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The San Francisco Housing Crisis (1985–2015): How Policies
Have Ignored the Human Right to Housing with Suggestions for
a Remedy

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Abstract

Housing affordability and access is one of the most important social and political issues affecting America today. Many Americans are left with having to live with multiple roommates, move back home with family, or becoming homeless. Ground zero for America's housing crisis is San Francisco, California. Located on the Northern California coastline, San Francisco is home to the nation's highest rent and home prices with hardly any site of reversal. At its core, due to the rampant displacement, lack of housing security, and inability for many to obtain housing, the San Francisco housing crisis is a human rights issue that needs solving.

Over the years, experts have discussed various ideas of how to address the crisis in the city. Some groups will advocate for YIMBY-ism ("Yes In My Backyard") over NIMBY-ism ("No In My Backyard") because they believe that in order to solve the crisis we need to build more housing of any type (luxury, market rate, and affordable) to meet the crisis head-on. Tenants unions are advocating for a proliferation of affordable housing. Policy makers are devising plans for reforming zoning laws, transit-oriented housing, and rethinking older policies that could lead to better housing access for all.

This thesis will explore solutions to the human rights issue that is the San Francisco housing crisis. The topics that I will discuss in pursuit of finding the solution to the housing crisis facing San Francisco will include examining policies that have hindered or usurped the human right to housing, contemporary ideas from leaders in the field on how to address it, and international soft law on the human right to housing. This thesis will conclude that the solution to the state's housing crisis will require a mixture of policy innovations, transit solutions, density and increase in housing stock, and a need for more mixed-income housing to address the city's

housing crisis. In short, I am focusing on housing as a human right because adequate shelter should not be considered a luxury.

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Introduction

Housing has become a centerpiece in the many quality of life debates surrounding much of the contemporary dialog in American governance today. With the stagnation of wages, housing affordability has declined, those able to are moving back home with relatives to save money, and the likelihood of Millennials or Generation Z owning a home instead of renting is rapidly becoming unrealistic.¹ If they choose to do so, it is estimated that Millennials will pay more than \$200,000 in rent to landlords before buying a home.² Despite the Department for Housing and Urban Development (HUD) recommending that only 30 percent of a person's salary should go to their rent³, many San Franciscans are spending 55 percent of their income on housing.⁴ San Francisco is ground zero in the nation's housing crisis and with most efforts to address it occurring within the last three years by the state, the neglect of the issue, stagnation of development, increased levels of homelessness of previously housed individuals, and how low-income or affordable housing is located is making this housing crisis a human rights issue.

Choosing housing as the lens of which I will focus on issues of human rights in an urban context over other issues is because housing is the cornerstone for which I believe equity is distributed. Thus, in this thesis, I will identify, through current and historical polices, that the housing crisis affecting San Francisco is one that has evolved into a human rights issue. I will

¹ Annie Nova 2018. "These Are the Reasons Why Millions of Millennials Haven't Bought a House," July 11, 2018, <https://www.cnbc.com/2018/07/09/these-are-the-reasons-why-millions-of-millennials-cant-buy-houses.html>.

² Matthew Michaels 2018. "The Average Millennial Will Spend over \$200,000 on Rent before Buying a House — but Gen Z Will Spend Even More," Business Insider, accessed January 10, 2019, <https://www.businessinsider.com/how-much-millennials-gen-z-renters-spend-expensive-cities-2018-5>.

³ "Defining Housing Affordability | HUD USER," accessed January 10, 2019, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-081417.html>.

⁴ Derek Thompson 2012. "Where the Middle Class Spends 75 Percent of Its Income on Housing and Transport," CityLab, accessed January 10, 2019, <http://www.theatlanticcities.com/jobs-and-economy/2012/11/cities-where-people-spend-75-percent-their-income-housing-and-transportation/4027/>.

conclude with how the city may be able to address the crisis from review of literature and articles by experts in support.

Roadmap

Chapter 1 will discuss what the human right to housing entails in an international context. It will also be used as a baseline and reference in how San Francisco's long-lasting policies, lack of government willpower to holistically address the issue, and zoning of affordable housing have perpetuated its housing crisis. Chapter 2 will discuss two key points for housing in the United States that had a hand in shaping the current housing landscape for San Francisco (and even other cities around the nation). The first subject to be discussed will be the Federal Housing Act of 1936 that gave birth to redlining. The second will be the Low-Income Housing Tax Credit, which coupled with redlining, concentrated minorities and poverty to the inner-city. This is important as it will provide a more nuanced understanding of the origins of the concept of low-income and affordable housing, what it originally was intended to do, and how it eventually failed to sustain communities. Furthermore, these policies had a tremendous impact on shaping San Francisco and must be discussed to better shape subsequent information found in Chapter 4. Building on Chapter 2, Chapter 3 will discuss the housing crisis in San Francisco, key policies that had a detrimental effect on housing access and renters, and why the city's lack of housing is a human rights issue. This chapter will seek to highlight how state and local policies are the likely culprits of unaffordability for most San Franciscan. Chapter 4 will focus on three leading solutions that have been posited by experts attempting to address the affordable housing crisis in San Francisco and discuss their pros and cons. Because there is a myriad of ideas to address the crisis, I will focus on three density building, YIMBY Action, and California Senate Bill 827

Finally, Chapter 5 will be my conclusion in which I suggest that not just one solution is the key to addressing this human rights crisis of a lack of housing in San Francisco; rather, combining the solutions that many believe need to be made along with a holistic or “a providing for the whole person” approach to housing is the key to moving forward. I will do this by utilization of ideas by thought leaders who are trying to tackle the crisis affecting San Francisco.

Methodology

Using qualitative methodologies such as case analysis, legislative (policy) research, process tracing, utilization of geo location maps to show where housing is situated, and case studies, this thesis will evaluate the manner by which the San Francisco housing crisis has reached a human rights issue. It will focus on how historical and contemporary policies have been used to deny the human right to adequate housing and create housing instability for residents.

Chapter 1: The Human Right to Housing

The United Nations was officially formed on October 24, 1945 and was comprised of 51 leaders from around the world. Their principle document was forged on December 10, 1948, at the Palais de Chaillot in Paris, France: the Universal Declaration of Human Rights. Its thirty Articles provided protections and baseline standards for the well-being of mankind. One particular passage that is germane to housing is Article 25:

“(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”⁵

This established a foundation for the right to housing and such security under international law. Analyzing this, we may infer that much of these rights stemmed from the economic depression in the US and the devastation following the Second World War in Europe and Asia. These rights should be looked upon more as a responsibility of governments (or states as the UN often refers to other nations) to provide for their people.

On December 16, 1966, the United Nations passed the International Covenant on Economic, Social and Cultural Rights (ESCR) that identified the Human Right to housing for all found in **Article 11**:

“1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, and to the continuous improvement of living

⁵ “Universal Declaration of Human Rights,” October 6, 2015, <http://www.un.org/en/universal-declaration-human-rights/>.

conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”⁶

The ESCR was entered into force on January 3, 1976, accomplished through nearly a decade of thorough crafting work and fierce negotiation.⁷ The United States signed onto the ESCR, but has to date not ratified its provisions⁸ (it is important to clarify that being a signatory to a treaty is not in and of itself binding. Being a signatory shows either the intention of the nation/state to eventually sign on to a treat or agree with its aims inspirit. Until a treaty is ratified by the US Senate, it is not a legally binding piece of legislation and therefore the US has no obligation to intentions of the ESCR insofar as reflecting its aims into its society⁹). The United States has, since the inception of the idea of economic, social and cultural rights, been shy to endorse it in its totality.

The choice to not codify the ESCR in American law (after it was entered into force) began with the Carter Administration (1976–1980) even though President Carter viewed the aspirations of the ESCR important enough to sign on to it. As an American president, Mr. Carter was perhaps the biggest proponent for the ideas of human rights as it related to the United States (not necessarily for the incorporation of all international human rights standards being cemented into American policy).¹⁰ Yet, President Carter’s administration felt that being supportive of

⁶ “OHCHR | International Covenant on Economic, Social and Cultural Rights,” accessed January 10, 2019, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

⁷ “OHCHR | International Covenant on Economic, Social and Cultural Rights.”

⁸ Gillian MacNaughton, “Economic and Social Rights in the United States: Implementation Without Ratification,” p.g., 367.

⁹ “U.S. Senate: Treaties,” accessed January 10, 2019, <https://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>.

¹⁰ Richard Florida, “Jimmy Carter: Housing Is a Basic Human Right,” CityLab, accessed January 10, 2019, <https://www.citylab.com/equity/2017/07/jimmy-carter-believes-housing-is-a-human-right/533973/>.

human rights verbatim was better used as a tool for enhancing US foreign policy than it was for guiding US domestic policy (SOURCE).

Originally, the former president's speech writers planned a speech that would be delivered during an address at Notre Dame University, which would outline the president's foreign policy and human rights agenda.¹¹ In it, a junior speech writer, Jim Fallows, aimed to highlight the president's commitment to the idea of human rights and particularly principles set forth in the ESCR—ideas that sought to reduce poverty and prioritize adequate housing for all.¹² However, Chief Speechwriter, Griffin Smith, felt that the draft was misrepresenting the administration's aims and how the president interpreted human rights further stating, "...This [is] an unapproved broadening of the administration's human rights concept and employment, shelter, and health are human needs, but they are not thereby human rights. To lump them together is muddying the waters".¹³

The president's speech, that could have revitalized an American revolution for access to basic life necessities not fully realized domestically or mentioned since President Roosevelt's "Second Bill of Rights" speech in 1944, opted for a less radical forwarding of American domestic and foreign policy. His speech instead made it clear that the United States would work, multilaterally, to address the pressing global concerns of "poverty, sickness, illiteracy, and repression" further emphasizing their destabilizing effects stating, "We know a peaceful world cannot long exist one-third rich and two-thirds hungry".¹⁴ After the speech, the Carter Administration opted for an executive order in the form of Presidential Directive NSC-30, which

¹¹ Hauke Hartmann, "US Human Rights Policy under Carter and Reagan, 1977-1981," *Human Rights Quarterly* 23, no. 2 (2001): 407.

¹² Hartmann, 407.

¹³ Hartmann, 407.

¹⁴ Hartmann, 409.

outlined American domestic human rights policy. In it, the president highlighted that, “It will also be a continuing U.S. objective to promote basic economic and social rights (e.g., adequate food, education, shelter and health).”¹⁵ As the Carter Administration came to an end, seemingly did the aspirations of his directive especially the idea of housing as a human right for Americans.

What are the guarantees of the human right to housing?

The United Nations Committee on Economic, Social and Cultural Rights, as it relates to the provisions within it, believes that the rights it outlines must be taken in their literal wording and should not be left to open interpretation. Therefore, the right to housing, especially adequate housing, encompasses the ability for individuals to live within their domicile in “security, peace and dignity”.¹⁶ Furthermore, clarifying exactly what adequate housing is, the ESCR Committee highlighted their intent in general comments No. 4 (1991)¹⁷ and No. 7 (1997)¹⁸ that discusses forced evictions. Exploring further what freedoms and entitlements that are embedded into the idea of the right to adequate housing, per the UN’s ESCR and general comments, we find that:

- Protection against forced evictions and the arbitrary destruction and demolition of one’s home;
- The right to be free from arbitrary interference with one’s home, privacy and family;
- The right to choose one’s residence, to determine where to live and to freedom of movement;

¹⁵ “Presidential Directive/NSC-30,” p.g. 1, accessed January 10, 2019, <https://fas.org/irp/offdocs/pd/pd30.pdf>.

¹⁶ “NESRI: Supporting People’s Movements for Human Rights,” accessed January 10, 2019, /programs/what-is-the-human-right-to-housing.

¹⁷ “General Comment No. 4: The Right to Adequate Housing,” n.d., 7.

¹⁸ United Nations High Commissioner for Refugees, “Refworld | General Comment No. 7: The Right to Adequate Housing (Art.11.1): Forced Evictions,” Refworld, accessed January 10, 2019, <https://www.refworld.org/docid/47a70799d.html>.

- Security of tenure;
- Housing, land and property restitution;
- Equal and non-discriminatory access to adequate housing;
- Participation in housing-related decision-making at the national and community levels.¹⁹

The Committee goes further to require that housing, if it is to be considered adequate, must be more than the very basic of its structure (meaning more than wall to wall enclosure and a roof).

According to the Committee, if a house is to be deemed adequate, it must meet a minimum criterion of:

- *Security of tenure*: housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.
- *Availability of services, materials, facilities and infrastructure*: housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.
- *Affordability*: housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights.
- *Habitability*: housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- *Accessibility*: housing is not adequate if the specific needs of disadvantaged and marginalized groups are not considered.

¹⁹ "Fact Sheet 21: The Human Right to Adequate Housing," p.g. 3,4, accessed January 10, 2019, https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

- *Location:* housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centers and other social facilities, or if located in polluted or dangerous areas.
- *Cultural adequacy:* housing is not adequate if it does not respect and consider the expression of cultural identity.²⁰

The ESCR also has embedded within it the protection against forced evictions. Under Fact Sheet Number 21, a forced eviction the “permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”²¹

There are a number of reasons for a forced eviction to occur in a given State with the most common being related to urban redevelopment, city beautification, infrastructure projects, or a unique state sponsored event (think the Olympics or the NFL Super Bowl). These tend to result in questions over land rights (Dakota Pipeline), the human right to housing (urban renewal, which will be discussed), or even simple landlord greed and policies that support such actions (Elis Act evictions in California). Typically, a forced eviction is violent in nature and affects the poorest or most disenfranchised in a given society. The UN believes that “regardless of their cause, forced evictions may be considered a gross violation of human rights and a prima facie violation of the right to adequate housing”.²²

To be clear, the UN doesn’t believe that under any circumstance an individual cannot be evicted. It understands that general standards of failing to pay, criminal activity, or damaging the property is something that is an offense that would require an individual to be evicted. However,

²⁰ “Fact Sheet 21: The Human Right to Adequate Housing,” p.g. 4, accessed October 17, 2018, https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

²¹ “Fact Sheet 21: The Human Right to Adequate Housing,” p.g. 4.

²² “Fact Sheet 21: The Human Right to Adequate Housing,” p.g. 5.

it does require that the State takes proper investigation into the legitimacy of the eviction by a landlord or property owner. It also seems that the perspective of the UN is that an eviction should be an absolute last measure that one can take when all other possible actions have failed. It further acknowledges that an individual should have access to resources that include:

- An opportunity for genuine consultation;
- Adequate and reasonable notice;
- Availability of information on the proposed eviction in reasonable time;
- Presence of Government officials or their representatives during an eviction;
- Proper identification of persons carrying out the eviction;
- Prohibition on carrying out evictions in bad weather or at night;
- Availability of legal remedies;
- Availability of legal aid to those in need to be able to seek judicial redress.

Throughout the UN Charter and the ESCR, there is a baseline of quality in the services that a government is supposed (or has agreed to give per the charter a nation has signed) to provide to its citizens based on what they can actually produce. What this means is that the quality of food that a developed or modernized nation is able to produce for its people would be comparatively better than that of what a pre-industrializing or industrializing nation would be able to. So, as it relates to the United States, when we see conditions in one neighborhood that are comparatively better than in a neighboring one, the government would be seen as failing to provide the baseline of quality of standards for all of its people. When we relate this to housing as a human right, states have the further obligation to respect, protect, and fulfill.

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR) *Fact Sheet Number 21* titled “*The Right to Adequate Housing*” the report outlined

these obligations in more detail. In it, we first find that the OHCHR sees that a nation cannot interfere with, overtly or covertly, citizens ability to obtain and enjoy the right to adequate housing.

“States should refrain from carrying out forced evictions and demolishing homes; denying security of tenure to particular groups; imposing discriminatory practices that limit women’s access to and control over housing, land and property; infringing on the right to privacy and protection of the home; denying housing, land and property restitution to particular groups; or polluting water resources.”²³

The obligation to protect requires States to prevent third parties from interfering with the right to adequate housing. Ideally, a nation should focus on policies that ensure private actors (landlords, developers, and private corporations) are within the human rights standards as it relates to adequate housing for citizens. This can be done through regulation, oversight committees, independent audits, working on other types of rent stabilization methods to ensure that predatory practices are not allowed. *Fact Sheet Number 21* further notes that such standards should “guarantee that banks and financial institutions extend housing finance without discrimination; ensure that the private provision of water, sanitation and other basic services attached to the home does not jeopardize their availability, accessibility, acceptability and quality; ensure that third parties do not arbitrarily and illegally withdraw such services; ensure that landlords do not discriminate against particular groups; and ensure that private actors do not carry out forced evictions”.²⁴

²³ “Fact Sheet 25: Forced Evictions,” accessed January 10, 2019, <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>.

²⁴ “Fact Sheet 21: The Human Right to Adequate Housing,” 33, accessed January 10, 2019, https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

Obligation to fulfil

The idea behind the fulfillment obligation is that a nation should focus on all appropriate means to ensure that the right to adequate housing is not impeded on an institutional level. Thus, as a baseline requirement, by ensuring proper legislation to help with the creation or development of housing, adequate budgetary allotments to make sure that such housing is funded, government institutions to carry out implementation and oversight of the housing (in the US we have HUD) a society might be able to see the right to adequate housing fulfilled.

“Under the obligation to fulfil, States must also, progressively and to the extent allowed by their available resources, prevent and address homelessness; provide the physical infrastructure required for housing to be considered adequate (this would include taking steps towards ensuring universal and non-discriminatory access to electricity, safe drinking water, adequate sanitation, refuse collection and other essential services); or ensure adequate housing to individuals or groups unable, for reasons beyond their control, to enjoy the right to adequate housing, notably through housing subsidies and other measures”.²⁵

Although there have been efforts by the UN to address the need for housing, there have been laws that still tend to inhibit an individual’s right to adequate housing. The US government and its states have a legacy of producing laws that often to deny a person’s right to adequate housing or ability to live where they please due to policies that are discriminatory. As we will see in the proceeding chapter, federal policies such as redlining and housing tax credits have often denied individuals ability to have the access to adequate housing due to their race.

²⁵ “Fact Sheet 21: The Human Right to Housing,” p.g. 10, accessed October 17, 2018, https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

Chapter 2: How Federal Housing Policies in 1935 and 1986 Helped Shape San Francisco's Current Unaffordability

This chapter will explore how the creation of the Federal Housing Act, which was designed to help individuals afford housing, eventually became a system that departed from its goal of providing access to housing for all. We will also discuss the Reagan Administration's Low-Income Housing Tax Credit program that often concentrates poverty and creates situations that are an affront to the human right to housing.

Race Supersedes Housing for All

At the turn of the twentieth century, the American cities were bustling with opportunities of work and other social amenities for people to enjoy. America's cities truly became a global melting pot where everyone lived, worked, and interacted. During the 1920s, the nation was living high off of the economic boom that post-World War I brought to it until the stock market crash in 1929, which began the Great Depression.

Many socialites and wealthy Americans in cities and surrounding areas lost everything overnight and the dichotomy between rich and poor seemed to dissipate. Farmers were losing their ability to cultivate their land and maintain it due to the depression and Dust Bowl in the Midwest. People living in cities and nearby suburbs began to lose their homes. A year after the United States entered the Second World War, in 1934, to address the need for housing by the impoverished general public due to the Great Depression, then President Franklin D. Roosevelt established the National Housing Act (1934) which led to the creation of the Federal Housing Administration (this later would be known as HUD) that solidified a plethora of financial mechanisms to assist individuals with home ownership. On the surface, FDR provided a remedy

to America's neediest individuals during a time of immense hardship; however, what is often forgotten about the FHA is its discriminatory practices.

The creation of the Federal Housing Administration was seen as an achievement for the American family when it was established as the result of the National Housing Act in 1934. Yet, the way that the Federal Housing Administration (FHA) designed its financial incentives and programs made it easier mostly for white families to obtain access to homes than it was for minorities—predominantly African-Americans.²⁶ Through the Federal Housing Administration home loans and private banks issuing them (through mortgages), white American families were able to have the needed resources to be able to afford single family housing. Given the immense poverty and degradation occurring in the inner-city (along with the racial tensions of the time) white families used these loans to move away from cities and retreated to the nearby suburban areas, which resulted in their eventual ability to enhance multigenerational wealth by owning property and passing it down to their children.²⁷ Many minorities, unfortunately, were left behind in the decaying inner city with little to no resources.

As the FHA program matured the government designed the Federal Home Loan Bank Board (FHLBB) which tasked the newly established Home Owners' Loan Corporation (HOLC) to create "residential security maps" to indicate the level of security and risk for real-estate investments in each surveyed city. In doing so, the HOLC departed from its original intention that was meant to focus on helping needy families at risk of losing their own homes during the

²⁶ Gross, Terry 2017. "A 'Forgotten History' Of How The U.S. Government Segregated America," NPR.org, accessed January 10, 2019, <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.

²⁷ Sharburn, Morgan 2018. "Three Generations of Data Show How Wealthy (White) Families Stay Wealthy," University of Michigan News, March 28, <https://news.umich.edu/three-generations-of-data-show-how-wealthy-white-families-stay-wealthy/>.

Great Depression.²⁸ These residential security maps were then to focus on 239 cities across the nation and were designed to “graphically reflect the trend of desirability of neighborhoods from a residential view-point”.²⁹

The way that the graphs were designed outlined areas in four color categories and assigned a typology of A to D. The first area was a green Type A (desirable) region. Type A regions had the newest housing developments, showed to the lowest risk and highest desirability of other land or business investment, and were overwhelmingly populated by white families. The next group was the blue Type B (still desirable) region. These were areas that were not perfect, but were still worthy investments in the eyes of private banks to issue loans. Then there were yellow Type C (declining) regions. These regions were seen as medium risk to banks to invest in and were likely on the brink of becoming more riskier investments. Finally, red Type D (risky) regions were those that banks viewed as the riskiest types of investments. These regions were predominately African-American.³⁰

African-Americans (along with immigrants and other minorities) found themselves now restricted to a process that would be eventually known as “redlining.” Because the maps were color coded from green—the very best—to red—the very worst and because time had allowed for the division of the affluent “white neighborhood” from the poor, inner-city “Black neighborhood” to mature (along with the repugnant racism of the time), private loan/mortgage

²⁸ “Home Owners Loan Corporation,” Roosevelt Institute, March 22, 2012, <http://rooseveltinstitute.org/home-owners-loan-corporation/>.

²⁹ The origins of the City Survey Program and the methods used to collect assessment data and assign grades are most thoroughly analyzed in Amy E. Hillier, “Residential Security Maps and Neighborhood Appraisals: The Home Owners' Loan Corporation and the Case of Philadelphia,” *Social Science History* 29 (Summer 2005): 2007-33. The explanation of grades comes from the HOLC City Survey for Richmond. That survey is from Records of the Home Owners' Loan Corporation (HOLC) 1933-51, Record Group 195.3, Records of the Federal Home Loan Bank Board, National Archives.

³⁰ Bruce Mitchell PhD et al., “HOLC ‘Redlining’ Maps: The Persistent Structure of Segregation and Economic Inequality,” *NCRC* (blog), March 20, 2018, <https://ncrc.org/holc/>.

lending banks had all they needed to further discriminate against individuals in “red” areas and would typically not provide them even with the loan to buy a home in their own neighborhoods.³¹

With redlining, cities across the nation would see a decline in the quality of infrastructure compared to the newly affluent suburbs. Furthermore, because of the divide and “riskiness” along with racial discrimination, private businesses would not build new businesses in the Black or majority minority neighborhoods (a trend that is still existent to this day). With such divides, most white neighborhoods enjoyed an influx of new businesses and the growth of existing ones, local services (like public transportation) to flourish, and the quality of education among white Americans to further overshadow that of people of color due to the expanded tax bracket that could pay for an increase in the quality of public education.

In 1968, just a week after the assassination of Dr. Martin Luther King Jr., and to address the issues of redlining, President Lyndon Johnson signed the Fair Housing Act into law to prevent individuals from being discriminated against on the basis of color in the procurement of housing. However, much of the damage of exclusion of Black Americans from white suburban neighborhoods had irreversible effects. The average home price in the United States in 1950 was \$7,000³², but by the time the Fair Housing Act went into effect, the cost of a home had risen to \$17,000 (1970)³³—nearly three times the amount it had been just 20 years prior. Thus, even if African-Americans and others harmed by redlining were interested in buying a home, much of their ability to do so was thwarted given the inflated cost of housing and the wage pay gap

³¹ Madrigal, Alexis C. 2014. “The Racist Housing Policy That Made Your Neighborhood,” *The Atlantic*, May 22, <https://www.theatlantic.com/business/archive/2014/05/the-racist-housing-policy-that-made-your-neighborhood/371439/>.

³² SEHSD Division, “US Census Bureau Historical Census of Housing Tables Home Values,” accessed January 10, 2019, <https://www.census.gov/hhes/www/housing/census/historic/values.html>.

³³ Division.

between Blacks and whites.³⁴ The struggle for Blacks and other minorities to obtain adequate housing and better rental opportunities intensified as the 1980s approached.

Reaganomics Shakes Things Up

Beginning in 1980, actor and former California Governor President Ronald Reagan, began to cut the overall budget for the Department of Housing and Urban Development (HUD) by over 50 percent from \$36 billion in fiscal year 1980 to \$15 billion by 1988.³⁵ Reagan, to help the nation begin to recover after the economic downfall caused by the recession, viewed the amount of money that the US spent on low-income and Section 8 housing was better spent elsewhere. Instead of allowing the federal government to bear the brunt of providing fiscal resources for low-income and Section 8 housing, President Reagan instead focused on developing public-private partnerships. In the Tax Reform Act of 1986, President Reagan created the Low-Income Housing Tax Credit (LIHTC) program in which private investors would receive federal income tax credits as incentives to create and maintain low-income housing (including affordable and Section 8 housing) based on a given formula³⁶ and gave the power to the states as the main individuals to carry out such development/contracts. Since 1986, nearly 3 million affordable housing units have been placed in service.³⁷

On the surface, by providing resources for states and private entities to help with the nations dilapidating public and low-income housing infrastructure was a great move. The states,

³⁴ "Disappointing Facts about the Black-White Wage Gap" (Federal Reserve Bank of San Francisco, January 1, 1970), <https://www.frbsf.org/economic-research/publications/economic-letter/2017/september/disappointing-facts-about-black-white-wage-gap/>.

³⁵ Moore, Charles H., and Patricia A. Hoban-Moore. "Some Lessons from Reagan's HUD: Housing Policy and Public Service." *PS: Political Science and Politics* 23, no. 1 (1990): 13-18. doi:10.2307/419770.

³⁶ "Low-Income Housing Tax Credits: Affordable Housing Investment Opportunities for Banks," 2014, 36.

³⁷ Scally, Corianne P., Gold, Amanda, and DuBois, Nicole. "The Low-Income Housing Tax Credit: How It Works and Who It Serves," n.d., 28.

not the federal government, would be the most knowledgeable about what the improvements in their communities looked like better than the federal government would. The states, would be the best equipped to find the right individuals and contract with them to develop or refine their low-income, multi-family housing in the neediest of areas. Private individuals, would be able to have a win-win in doing something for the general public that would increase their brand, but also enable them to grow their financial property portfolio. However, one of the main criticisms that is ignored in the use of LIHTC is that they tend to concentrate poverty.

Recalling the US's history with redlining, much of the single family owned wealth in cities was with those that owned property—mainly white families. Adding the fact that white families fled the inner-city to move to the suburbs to buy housing and own property with the FHA loans while Black and other minority families were not able to, enhanced white wealth exponentially while the lack of investment in inner-city multifamily homes continued to become more dilapidated. LIHTC greenlighted the construction of new housing projects, but were often built where the land was cheaper which was located in the inner-city and enhanced neighborhood segregation. The segregation and racism in the obtainment of any financial resources from private banks, and inability to escape poverty left the Black community in the inner-city financially destitute and unable to overcome much of their limitations to upward mobility and affluence in their communities when compared to white individuals.

Normally, as with Section 8 programs and others with federal oversight (i.e. Congress or HUD), there are mechanisms in place that do not concentrate low-income housing projects in a way that heightens poverty or segregation.³⁸ However, because LIHTC programs are through the Internal Revenue Service (IRS) and carried out by the states, there is less stringent federal policy

³⁸ "Common Questions About Affordable Housing," Affordable Housing Online, accessed January 10, 2019, <https://affordablehousingonline.com/housing-common-questions>.

oversight dictating how LIHTC granted housing projects can be located (also because it is a tax credit). When we consider the human right to housing as expressed in the ESCR, we recall that an individual has “the right to choose one’s residence, to determine where to live and the freedom of movement” along with “equal and non-discriminatory access to adequate housing”.³⁹ These two key points show that the way the LIHTC program is conducted, typically violates an individual’s right to housing insofar as they are being restricted to one area and unable the free movement or decision to locate to other areas in their existing city to reside as LIHTC related housing is restricted to only a finite number of locations.

The combination of redlining’s harm to the inner-city compounded with the forced concentration of poverty through LIHTCs, the idea of fair and equitable housing for all in the ethos of human rights has been neglected in the United States. These policies have had long standing effects on local governments. Even for progressive, multicultural cities like San Francisco, policies similar to LIHTCs and redlining have created neighborhood segregation and a massive dichotomy between rich and poor along with forced migration. The following chapter will discuss how local and state policies have undermined the human right to housing in San Francisco.

³⁹ “Fact Sheet 21: The Human Right to Housing,” accessed October 17, 2018, https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

Chapter 3: How Policy Made San Francisco’s Housing Unaffordable and Exclusionary

Today, the City and County of San Francisco has the highest cost of rent in the United States.⁴⁰ An individual making over \$110,000 a year is still considered low-income given the cost to buy a home is over a million dollars on average⁴¹ and the cost to rent an apartment per month for a studio is \$2,500.⁴² For many people, the idea of homeownership or living independently in the region is next to impossible. It is not uncommon to find most adults forced to have roommates or live with relatives to make ends meet instead of living independently. This trend is also prevalent in the rest of the Bay Area, too. Currently, the most affordable city in the Bay Area right now is Vallejo with an average rent price of \$1,300 a month.⁴³

The cost of living has forced many natives, longtime residents, and those in the Bay Area for work opportunities to relocate. Perhaps even more troublesome is that, in San Francisco, roughly 71 percent of the city’s homeless population is comprised of individuals that were once homeowners or in some type of housing.⁴⁴ As such, San Francisco has seen the outmigration of residents to other parts of the state with many now moving further north to the state capital—Sacramento. Through all of this, many are left to ponder how did the region arrive at a point of crisis when it comes to housing? In this chapter we will examine how legislative and federal policies had a hand in creating the housing crisis facing San Francisco today. The policies that

⁴⁰ Gonzalez, Jennifer. “New Study Says SF Has the Highest Rents in the World,” NBC Bay Area, July 9, 2018. accessed January 10, 2019, <http://www.nbcbayarea.com/news/local/New-Study-Says-San-Francisco-Has-the-Highest-Rents-in-the-World-487718071.html>.

⁴¹ Kukura, Joe. “\$117,400 Salary Qualifies as ‘Low Income’ in S.F. - June 25, 2018,” SF Weekly, June 25, 2018, <http://www.sfweekly.com/news/117400-salary-qualifies-as-low-income-in-sf/>.

⁴² Erwert, Anna Marie “Renting a Studio in San Francisco Will Cost You \$2,500 a Month. Here’s What You Get,” SFGate, April 20, 2018, <https://www.sfgate.com/realestate/article/San-Francisco-rental-market-average-rent-12834660.php>.

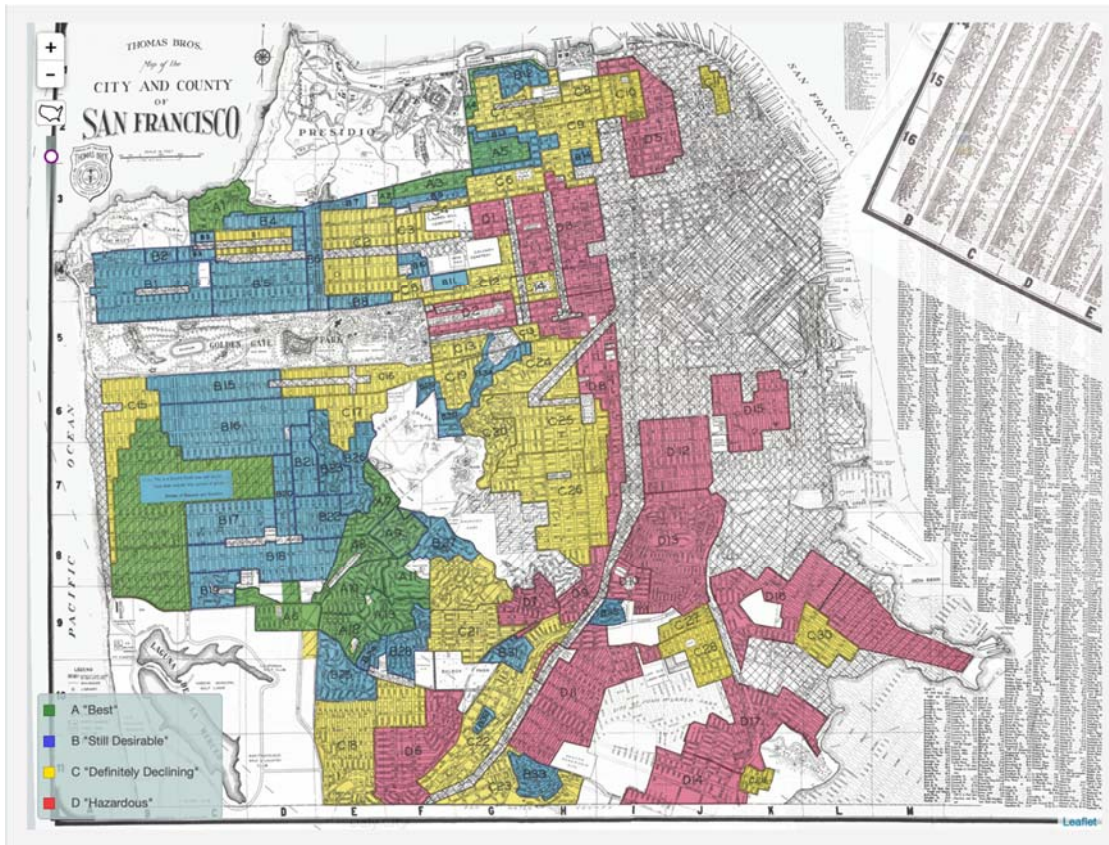
⁴³ Brinklow, Adam. “Only Four Bay Area Cities Beat California’s Median Rent,” Curbed SF, August 24, 2017, <https://sf.curbed.com/2017/8/24/16198582/bay-area-rents-median-california-zumper>.

⁴⁴ “Homeless Point-in-Time Count & Survey: Comprehensive Report 2015,” accessed January 10, 2019, https://sfmayor.org/sites/default/files/FileCenter/Documents/455-SanFrancisco_HomelessReport_2015_FINAL.PDF.

we will discuss will include redlining's affect on San Francisco, how Urban Renewal furthered the marginalization and disenfranchisement of its citizens, and pro-tech policies like the Twitter Tax break solidified the exclusion of low- and middle-income citizens. We will then highlight statewide policies that also permeated into San Francisco's housing crisis such as the Ellis Act and conclude with Costa Hawkins.

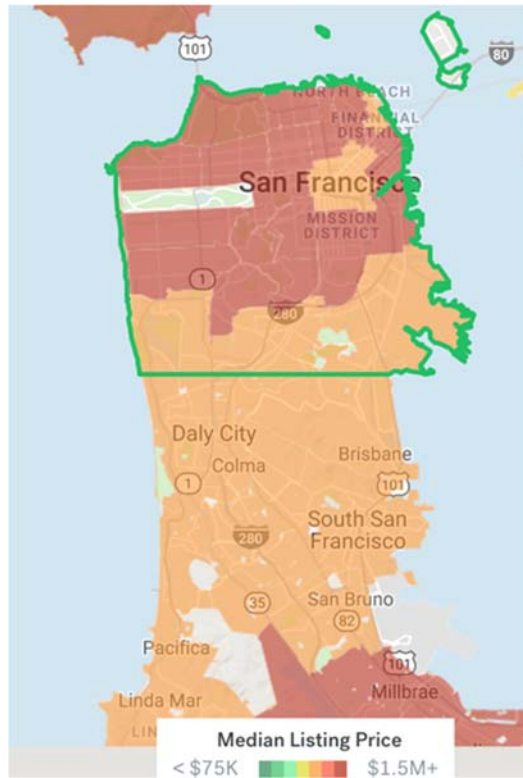
Chapter 2 discussed the origins of affordable housing in the US along with racist policies that excluded minority communities along with new immigrants from being able to buy housing during the World War II era. Among the topics discussed, we also talked about the issue of redlining. In short, redlining was a system of exclusion used by private banks to preclude people of color and new immigrants from being able to buy housing in predominantly white neighborhoods across the nation's top metropolitan areas. This policy would force the concentration of these groups to the inner-city where new city services, new businesses, and other development often avoided extending their operations there thus leading to radically underserved neighborhoods and increased poverty (this is a redlining map from the 1930s of the City and County of San Francisco where the areas in red are most represented by Black and Latino communities today⁴⁵).

⁴⁵ Green, Mathew. "How Government Redlining Maps Pushed Segregation in California Cities [Interactive]," KQED, April 28, 2016, <https://www.kqed.org/lowdown/18486/redlining>.



Much of the housing that is the least affordable today in San Francisco are in the areas that were green and blue lined and the most affordable (relatively speaking given the overall cost of housing in San Francisco is the highest in the nation) is in the red (see below figure from Trulia).⁴⁶

⁴⁶ "Real Estate Overview for San Francisco, CA - Trulia," accessed January 10, 2019, https://www.trulia.com/real_estate/San_Francisco-California/.



As we have seen with other cities around the nation that were redlined, the areas that were marked in San Francisco have also become areas with low investment, higher crime, lower quality in public education, and stagnant opportunities for residents to pursue upward mobility. The benefits of redlining are typically had by developers and local governments. With land that was once deemed too risky to build on or “undesirable,” contractors had cheap land to build on that would ultimately maximize their profits. A poignant case study in this is found in the Bayview Hunters Point neighborhood of San Francisco located in the city's lower south east side. After the Second World War, the Bayview Hunters Points quickly became a diverse, but predominantly Black working-class neighborhood in the city. The residents had a diverse amount of housing options that included single and multifamily housing. Unfortunately, as time went on,

it came to light that people's security and right to adequate housing, from a human rights perspective, was challenged.

The neighborhood had one of the highest breast and other cancer rates in the nation.⁴⁷ For years, it was uncertain as to what was causing the shocking rate of cancer, but the issue was eventually linked to the Hunters Point Naval Shipyard where the United States Navy and its contractors had been dumping toxic chemicals into the Bay for years. This dumping harmed the environment and in turn spiked the rates of cancer in the neighborhood. We can see the relationship to redlining and years of neglect by the city it brought for the neighborhood as a predominately Black neighborhood that was already deemed less desirable by the city's redlining maps did not have the necessary support needed to address this issue. This issue predominantly affected those that were living in public and low-income housing as they were the closest to the water and effected elements—such as soil— that were contaminated.

As time went on, and cleanup of the shipyard occurred, there began to be more reports that the shipyard and surrounding area was clear for building and other habitation.⁴⁸ With that came an influx of predominately white tech workers into the area due to the low cost of living and, with their salary, a one-bedroom apartment was affordable even if the individuals already living in the community were struggling to even keep the one that they had. This influx also fed into the gentrification of the neighborhood and systematic displacement of existing residents who were not in rent controlled apartments or government assisted housing. Many residents, after years of dealing with the neglect of their city officials to address the environmental issues that

⁴⁷ Kay, Jane. "High Cancer Rates in Bayview Women," SFGate, August 18, 1995, <https://www.sfgate.com/news/article/High-cancer-rates-in-Bayview-women-3135063.php>.

⁴⁸ "Update on the Cleanup of Hunters Point Naval Shipyard," February, 2012. accessed January 10, 2019, https://www.sfdph.org/dph/files/EHSdocs/ehsHuntersPointdoc/RemediationNewsletter/RemediationUpdate_Feb2012.pdf.

occurred in their neighborhood, now had to contend with the challenges of rising rents throughout their city and few economic opportunities in their neighborhood to acclimate. In essence, redlining fueled a lack of economic and environmental justice for an entire neighborhood for generations and once the neighborhood was deemed habitable again did the city strive to make amends with the very people that decades of justice through policy had forgotten. This was compounded with the issue of urban renewal.

In many ways urban renewal could be seen as the cousin of redlining insofar how it affected peoples of color access to adequate housing, security in their housing, and ability to obtain new housing. San Francisco's historic Fillmore District was where urban renewal was perhaps the most prevalent in Northern California. Urban renewal put San Francisco on track to become a city with a massive dichotomy between rich and poor, setting in motion the city's unaffordability crisis that is currently plaguing it (along with the city's homelessness crisis). The architect in carrying out urban renewal in San Francisco was a man named Justin Herman and from 1951 to 1959 he was in charge of the regional office of the Housing and Home Finance Agency in San Francisco and the San Francisco Redevelopment Agency until his death in 1971.⁴⁹ The ethos behind urban renewal was being able to rehabilitate depressed property and build better ones in its place with idea that doing so would reduce crime, enhance economic vitality, and produce a better quality of life for residents.⁵⁰ Yet, much of these units in need of rehabilitation were mostly located in areas predominately occupied by the African American (or Black) community.

⁴⁹ Hartman, Chester W., and Carnochan, Sarah. *City for Sale: The Transformation of San Francisco* (Berkeley, UNITED STATES: University of California Press, 2002), p.g. 18, <http://ebookcentral.proquest.com/lib/columbia/detail.action?docID=227287>.

⁵⁰ Thompson, Walter. "How Urban Renewal Destroyed The Fillmore In Order to Save It," Hoodline, January 3, 2016. accessed January 10, 2019, <https://hoodline.com/2016/01/how-urban-renewal-destroyed-the-fillmore-in-order-to-save-it>.

During the Second Great Migration, many African Americans emigrated to the North, Midwest, and Western United States from the South. Some left because of Jim Crow policies plaguing the Southern US and others left for jobs or opportunities during WWII. Before the Great Migration, San Francisco's Black population was around 4,800 in 1940, but after the migration the population spiked to near 44,000.⁵¹ Some would settle in the Bay View Hunters Point neighborhood to have closer access to the city's naval shipyard for work and others would settle in the Fillmore neighborhood. The Fillmore, also known as the "Harlem of the West" for its vibrant jazz scene, would witness legends like Billie Holiday and Sammy Davis Jr. at local cafes and clubs, and became the Black community in San Francisco's stronghold. However, the end of the Second World War also marked severe unemployment rates for the Black community, as many individuals were blue-collar workers and earning low-income wages. Redlining and low wages for Blacks in the Bay Area at that time also thwarted their ability to relocate and buy a home in the Bay Area's more suburban communities. Given the social politics of the time, returning to the South was not an option for most, so the residents decided to make the best of a bad situation and call San Francisco and much of the Eastern Bay Area, like Oakland, their new home. By 1947, "African-Americans made up 26% of the Fillmore; 5% were Chinese-American, and 4% were Japanese-Americans".⁵²

In 1947, San Francisco's City Planning Commission submitted a \$52 million proposal for "razing and rebuilding a 36-block zone in the Western Addition enclosed by Van Ness, Webster, McAllister and Geary". A summary titled "New City: San Francisco Redeveloped" called for "33

⁵¹ "San Francisco County -- 1860-1940 Census Data," accessed January 10, 2019, <http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty40.htm>.

⁵² Scott, Mel. *Western Addition District: An Exploration of the Possibilities of Re-planning and Rebuilding One of San Francisco's Largest Blighted Districts under the California Community Redevelopment Act of 1945* (San Francisco, Calif.: San Francisco City Planning Commission, 1947), <http://archive.org/details/westernadditiond261947sco>.

new 10-story buildings across nearly 2.25 square miles, including larger school and recreation facilities, a shopping center and housing for 10,000 people”.⁵³ The city and developers would go on to estimate that the new housing units would rent between \$25 to \$30 per room per month—even though San Francisco's median gross rent was averaging \$32 per month in the 1940 census.⁵⁴ Former City Planning Director T. J. Kent, Jr. acknowledged the concern stating, "It is true that ... the rents will be too high for a large group of residents" and there was "no pat answer" for accommodating people who were to be displaced.⁵⁵ Those who opposed the redevelopment plans had little recourse in a pre-Civil Rights era San Francisco and America; the neighborhood was void of adequate political representation, and most residents were tenants, not homeowners.

As Director Kent foresaw, when the new residences were completed, the locals were unable to afford them and were involuntarily displaced. These displaced individuals then began to migrate to other parts of the city or relocated outside of the city and small numbers became homeless relying on shelter services. Urban renewal, as it relates to San Francisco, was a policy that was an affront to basic human rights to housing as outlined in the ESCR. Being that individuals couldn't return to their homes, they were forcibly evicted by their local government under the cloak of a project that would be a public good. Instead it erased much of the cultural identity of neighborhoods like the Fillmore and set a precedent for future urban degradation of people's right to adequate housing.

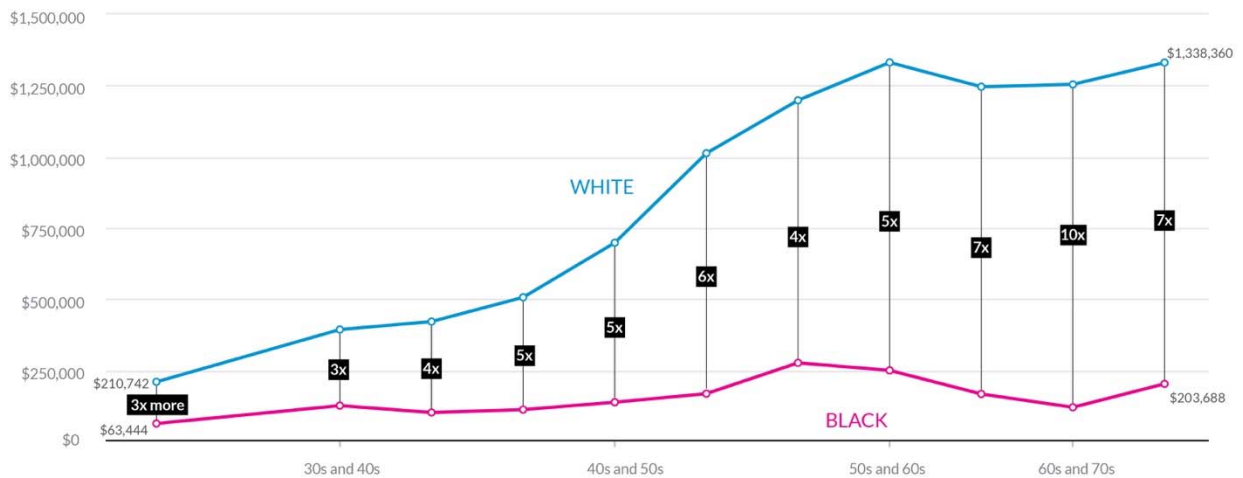
⁵³ Scott, Mel. *New City: San Francisco Redeveloped* ([San Francisco] : San Francisco City Planning Commission, 1947), <http://archive.org/details/newcitysanfranci1947scot>.

⁵⁴ Thompson, Walter. "How Urban Renewal Destroyed The Fillmore In Order to Save It," Hoodline, January 3, 2016. accessed January 10, 2019, <https://hoodline.com/2016/01/how-urban-renewal-destroyed-the-fillmore-in-order-to-save-it>.

⁵⁵ Thompson, Walter. "How Urban Renewal Destroyed The Fillmore In Order to Save It," Hoodline, January 3, 2016. accessed January 10, 2019, <https://hoodline.com/2016/01/how-urban-renewal-destroyed-the-fillmore-in-order-to-save-it>.

The legacy of urban renewal and redlining in the Bay Area is one that has laid the framework for much of the unaffordability in the region—especially for minorities. When a policy is situated to exclude individuals from being able to buy into the housing or property market when it is cheap, it inhibits their ability to then be able to create lasting multigenerational wealth for their decedents. For many people of color that were excluded from the benefits of the FHA, they have seen the wealth gap between minorities and white people increase. The following chart from the Urban Institute depicts the dichotomy between Blacks and Whites individuals shortly after the FHA program and redlining started.⁵⁶

Average Family Wealth for Those Born 1943–51 by Race



Source: Urban Institute calculations from Survey of Consumer Finances 1983–2016.

Notes: 2016 dollars. Hispanic sample size too small to show. Age is defined as the age of the household head. In 2016, these people were ages 65–73; in 1983, they were ages 32–40.

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The lack of being able to obtain property was one of the most inhibiting factors to Black and minority multigenerational wealth. When compounded with urban renewal’s legacy, we see similar effects.

Urban renewal and redlining feed off of each other because one helped to create the need

⁵⁶ “Average Family Wealth for Those Born 1943–51 by Race” 2016. accessed January 10, 2019, <https://apps.urban.org/features/wealth-inequality-charts/img/Nine%20Charts%20All%20Charts.pdf>.

for the other. When redlining was created and white families fled to the suburbs to escape the increasingly blighted inner-city, the local governments and any business investment that could be of benefit to the entire community at large seemingly left with them. As a result of this lack of investment in the urban center, the inner-city began to crumble along with much of the local housing stock in the area. When urban renewal sought to redevelop and make these areas habitable again, many local leaders failed to follow through with the vouchers for individuals to return to their housing or set in place local ordinances that would create needed mechanisms to honor former tenants right to return to their original housing. In short, with urban renewal in place, the only winners of its promised benefits were developers and landlords—a theme that we will continue with the Twitter Tax Break.

Over the years, San Francisco has become one of nation's premier locations for technology and startups.⁵⁷ Much of the city's economy has benefitted from the multitude of technology businesses that are ubiquitous in its city limits. One of the issues that this has brought to the city, however, is increasing the dichotomy between rich and poor. For the average San Franciscan, the technology sector has displaced already vulnerable communities, heightened homelessness, and usurped the unique culture that made San Francisco the place that many called home. Of the different eccentric policies that have had an effect on quality of life issues for San Franciscans, perhaps the one that was pivotal to changing the city and housing opportunities for the average San Franciscan was the Twitter Tax Break.

The Twitter Tax Break was passed in 2011 by the San Francisco Board of Supervisors.⁵⁸ The ordinance would “establish a payroll expense tax exclusion for businesses located in the

⁵⁷ Mejia, Zameena. “The 10 Best Cities for Getting a Tech Job beyond Silicon Valley,” July 27, 2017, <https://www.cnbc.com/2017/07/27/tech-jobs-silicon-valley.html>.

⁵⁸ Because San Francisco is a city and a county our county board of supervisor's doubles as our city council.

Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over \$1,000,000 to enter into a Community Benefits Agreement with the Office of Economic and Welfare Development”.⁵⁹ This tax break allowed for many of the new tech businesses coming to the city remain, but at the cost of resources that could have gone to addressing the city’s housing crisis by not being able to get the entirety of the tax money that these businesses would provide. Instead, more people came to the city as the population rose from around 795,000 to over 850,000 with a projection to reach a million in the next decade.⁶⁰ This population increase skyrocketed demand for housing that far outweighed the supply the city had. Overnight, people found themselves homeless or forced out of San Francisco, even though the tax break was intended to help strengthen the economy while bringing high wage jobs to the city.

What is overlooked regarding the tech takeover in San Francisco is that much of the places that the tech companies house are places that redlining and urban renewal had deemed “risky” or “undesirable.” Such an action allowed for people that were making hundreds of thousands or millions of dollars per year to live at the expense of current tenants because the landlords were able to raise rents to get individuals that no longer fit the character of the neighborhoods that they made special (such as the Mission, Fillmore, and Bay View Hunter’s Point neighborhoods). Furthermore, because the land in these areas were cheap, Mid-Market and the Tenderloin became prime real-estate areas for new technology companies entering the city. With the new economic class in the area, the city and other businesses began to move resources

⁵⁹ “Twitter Tax Break’ Ordinance,” February 8, 2011. accessed January 10, 2019, <https://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/committees/materials/bf110155tdr.pdf>.

⁶⁰ Kane, Peter L. “San Francisco Hits New All-Time High Population: 884,363,” SF Weekly, March 23, 2018. Accessed January 10, 2019, <http://www.sfweekly.com/news/san-francisco-hits-new-all-time-high-population-884363/>

and bring improvements that the longtime residents had been demanding for years (and in some cases—like better public transportation—generations).

Perhaps the most distressing thing about the Twitter Tax Break is that it showed low-income individuals living in San Francisco that they no longer had a place in the very space they helped to make unique enough for those aspiring tech barons to come to. It also highlighted the fact that, if the city wanted to, they could have easily made the improvements that the people had been demanding for years a reality. The tech era of modern-day San Francisco had similarities to that of the one in the 1990's, but this time there is likely not going to be a bubble burst and the wealth that has been established in the city by the tech autocracy is not likely going anywhere anytime soon. Many people in San Francisco tend to place blame on the tech industry for the current affordability and housing crisis; however, I would argue that people are simply upset that their needs were being ignored when the city could have addressed them as they did when similar needs were met for the tech industry. In essence, all residents in the city want to know that they matter and are being respected. Unfortunately, this is often overlooked by statewide policies that allow for landlords to displace their residents with impunity.

When it comes to the affordability crisis in the San Francisco Bay Area, much of the blame gets placed on a lack of building enough housing to meet demand. In this section I will focus on two of the top culprits that often get blamed for stalling housing of all kinds and have had the most negative effects on San Francisco—Costa-Hawkins and the Ellis Act.

In 1984, a California State Supreme Court Case, *Nash v. City of Santa Monica*, allowed for the city of Santa Monica to ensure that a landlord kept the supply of housing in circulation for citizens to utilize.⁶¹ The overall housing stock in California began to dwindle and with nation

⁶¹ “*Nash v. City of Santa Monica* (1984),” Justia Law, accessed January 10, 2019, <https://law.justia.com/cases/california/supreme-court/3d/37/97.html>.

still reeling from the Recession of 1982, many services like HUD saw major cuts to their budget that also lessened the local governments ability to provide housing for those in need. The landlord union, and the individual that brought the case to the State Supreme court to get out of being a landlord and convert their property, charmed members of the state legislature to enact a new law that granted protections for landlords to be able to get out of the business of being a landlord.

In 1985, a State Assembly member named after James L. Ellis, initiated and eventually the legislature passed the bill to the governor to sign into law. The “Ellis Act” was initiated to supersede the State Supreme Court decision in *Nash v. City of Santa Monica* and instead allowed for the landlords to sell off their housing under a few conditions. The chief tenant of the Ellis Act, as the San Francisco Tenants union notes:

“The landlord must remove all of the units in the building from the rental market, i.e., the landlord must evict all the tenants and cannot single out one tenant (for example, with low rent) and/or remove just one unit out of several from the rental market. The Ellis Act is included in the just causes for eviction under the Rent Ordinance as Section 37.9(a)13).”⁶²

The other tenants are buyouts and “warnings.” The warnings basically file with the local rent board that an Ellis eviction will be coming in the next few months. With buyouts, individuals are given what is equal to a “relocation” lump sum to find new housing elsewhere in the amount of \$6,632 with a maximum of \$19,897.⁶³

⁶² “Ellis Act Evictions – San Francisco Tenants Union,” accessed January 10, 2019, <https://www.sftu.org/ellis/>.

⁶³ “Notice to Tenant of Owner's Filing of Notice of Intent to Withdraw Rental Units Under the Ellis Act,” June 1, 2014. accessed January 10, 2019, <https://sfrb.org/sites/default/files/Document/Form/521%20Ellis-Tenant%20Packet%202-18.pdf>.

At its core, the issues with the Ellis Act is that the law essentially forcefully evicts someone from their existing housing to allow the landlord to, typically, pass the building onto an individual(s) to build luxury homes and condos that the existing tenants cannot afford. Then, it gives them a short notice (other than seniors who get nearly a year to vacate) to get out of their housing to find somewhere new to live. This policy also blatantly ignores the international law housing standards against forced evictions. To have a rule in state law in place where a landlord can pull out of being a landlord and all the people that were their tenants no longer have access to their housing if they cannot afford it rendering them homeless or displaced elsewhere is simply a violation of the human right to housing.

This tactic is widely used throughout San Francisco to make room for wealthier individuals. Understandably, if you are a San Francisco landlord, you are sitting on a property gold mine. However, due to the hyper competitive and inflated rental market in San Francisco, tenants are the ones that suffer. Families, the elderly, and low-income individuals are left out in the cold when it comes to being able to find rental property due to the astronomical costs. If the Ellis Act is not reformed soon, it will continue to make matters worse for everyone not only in San Francisco, but any area in proximity to a major city in California. The other policy that is often credited with displacing individuals on a similar level to the Ellis Act is Costa-Hawkins.

In 1995 the state legislature enacted a policy that was named after Senator Jim Costa of Fresno and Assembly member Phil Hawkins of Bellflower. This policy, the Costa-Hawkins Rental Housing Act (Assembly Bill 1164), was developed to address rent control actions that were taking place throughout the state in major metropolitan areas. The reason for the local jurisdiction's move to enact rent control was in response to the rising costs of rent, salaries not keeping up with inflation, and individuals unable to live in the state due to affordability issues.

Costa-Hawkins has two major provisions. The first ensures that any new single family, condominium, or multifamily dwellings constructed after 1995 are not subjected to local rent control laws. The second stops “vacancy control.” Vacancy control occurs when a local jurisdiction tries to place limits on how much a unit of housing can go for once it has been vacated by the former tenant. Costa-Hawkins was designed to preempt the ability of local governments from regulating the rents in their jurisdiction so that developers and landlords wouldn’t lose money on their property deals.

An argument that is often used to support Costa-Hawkins is that rent control does not help individuals to be able to afford their housing; rather, it harms the development of new housing or multifamily units because developers end up losing so much money on the projects that they are no longer economically feasible for them to create. As a result, the housing market doesn’t have enough supply to meet the demands of the people and the cost for housing rises higher over time.⁶⁴

Tenants Together, a tenant’s rights advocacy organization urging the prioritization of affordable housing and housing access, are opponents of the act. They believe that Costa-Hawkins has “been a disaster for renters”.⁶⁵ They view the unchecked ability for landlords to spike rents is an affront to people’s right to housing as doing so increases the likelihood of individuals becoming destitute. They also believe that the act blocks local governments from being able to do what they see right for their citizens. Furthermore, the Haas Institute at the University of California, Berkeley, notes that rent control is not going to thwart the totality of the

⁶⁴ Diamond, Rebecca, McQuade, Timothy, and Qian, Franklin. “The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Evidence from San Francisco” (Cambridge, MA: National Bureau of Economic Research, January 2018), <https://doi.org/10.3386/w24181>.

⁶⁵ “Just Causes for Eviction – San Francisco Tenants Union,” accessed January 10, 2019, <https://www.sftu.org/justcauses/>.

housing crisis affecting the Bay Area and much of California. However, they also note that “while other proposed remedies to the housing crisis may take years before they impact housing costs, only expanding rent control can offer immediate relief to millions of people in danger of being forced from their homes”.⁶⁶

In Costa-Hawkins there are two schools of thought at play: rent control vs. no rent control. Experts that are for rent control will argue that by having rent control we are better able to help people afford to live a bit more comfortable and have enough economic resources to handle other obligations when they are not using the bulk of their resources on rent. On the other side, the argument will be that rent control has the unintended consequence of making developers not want to build more housing at all because if too many of the housing units are below the market value, they will not be able to make a profit and everyone loses. The problem with anti-rent control is by not providing better access to housing, we are denying individuals their human right to adequate housing. Furthermore, is the issue of what poverty does on San Francisco as a whole in the sense that due to the growing dichotomy between the ultra-rich and ultra-poor widening, Costa-Hawkins’s attack on rent control is another mechanism that keeps the divisions strong. However, there are thought leaders and advocates in the city and at the state level who are exploring solutions to the housing crisis facing San Francisco.

⁶⁶ “Just Causes for Eviction – San Francisco Tenants Union.”

Chapter 4: Weighing the Experts Solutions

In San Francisco, there are many debates regarding what should be done to extend affordable and adequate housing options for all residents. In the world's fifth largest economy of California, in the epicenter of the nation's technological revolution, home of the immense research institutions of such as the University of California, and progressive political movement we shouldn't be surprised to find that a variation in ideas of what should be done is ever prevalent. In this chapter, I will review three contemporary solutions by experts to address the housing crisis facing the city. The points of discussion for this chapter will include the Yes in My Back Yard or "YIMBY" Movement, Senate Bill 827 by California State Senator Scott Weiner, and will begin by discussing density building.

When the concept of density building is discussed, many people in San Francisco look at it almost as a four-letter word or perhaps an even longer 16 letter word of "Manhattanization." San Franciscans pride their sweeping views of the city, the surrounding Bay Area, and the Pacific Ocean. With taller, denser buildings being constructed, people oppose the idea that San Francisco's unique, picturesque character would be compromised by high rises and skyscrapers that are reminiscent of New York City. However, is density building, outside of an aesthetic concern, truly a bad idea?

When examining the positives of density building a good place to start is better urban land utilization. According to Professor of Architecture and Urban Design at the University of Melbourne, Australia, Kim Dovey, by better utilizing land and zoning the area for housing density, a city is able to maximize their space, provide more opportunities for businesses to open, and ideally give the maximum amount of land-living opportunities to the most people.⁶⁷ This

⁶⁷ Pafka, Elek and Dovey, Kim. "Urban Density Matters – but What Does It Mean?," The Conversation, accessed January 10, 2019, <http://theconversation.com/urban-density-matters-but-what-does-it-mean-58977>.

means that by having more space to build, there would be more housing opportunities for people to enjoy. An additional benefit of density could help increase our tax base. By having more people in the city, regardless of income level, allows for the city to be able to increase its budget and provide more resources for city services that the public will inevitably depend on and that a sprawling, suburban area couldn't entirely provide. However, according to a report published by Chapman University⁶⁸ more urban density is not the answer.

The report indicates that, "By most measurements, higher density housing is far more expensive to build" and that "a high rise over five stories costs nearly three times as much per square foot as a garden apartment." The problem with this is that with many San Franciscans already struggling to be able to afford living in the city as it is, the thought that density could bring the prices up even more instead of stabilize the market is of concern. Yet, by not providing or being afraid to build any housing, we reduce our overall housing stock further, increasing the cost of housing due to market scarcity.

Another concern that is not often taken into consideration is if the many technology businesses in San Francisco relocated. If the city had so much housing that everyone could live more affordably, but for whatever reason the technology sector moved elsewhere, then a massive part of the economy would dissolve overnight and with more people the city wouldn't have the extra tax base necessary to assist those that need it or make improvements. Furthermore, there would be a residual exodus from the city by other businesses and those that came to the city for work opportunities that those businesses provided. As a result, property values in the city would plummet because of the heightened amount of supply. The other issue with urban density is quality of health. By having denser living spaces and urban environments, the World Health

⁶⁸ Kottin, Joel et. al "Building Cities for People", Chapman University Press, 2015. p.g. 10 accessed October 5, 2018 <http://www.newgeography.com/files/Cities-for-People-web.pdf>

Organization notes that “Poor planned or unplanned urban housing... are drivers in the epidemic of noncommunicable diseases, which are linked to risks and hazards such as air pollution, poor diet, physical inactivity, traffic injury and domestic injury”.⁶⁹ Thus, with the concerns around density building as a solution, perhaps there is room for simply building more housing of any kind to stabilize the market and drive down costs for renters?

Not in My Backyard or NIMBY-ism is often seen as older generations being angry about new developments that change the character of their old neighborhoods. After the Loma Prieta earthquake of 1989, the Embarcadero Freeway, which ran in front of the Ferry Building, was destroyed. Instead of rebuilding it, a coalition formed to ensure that the area didn’t have to have the massive connector in front of their view of the Bay ever again.⁷⁰ This sentiment would continue with any new height limit increases and proposed buildings for the following nearly three decades. The NIMBY coalition in the city is occasionally referenced as those that impede progress and have, perhaps unintentionally exacerbate the housing crisis due to their stalwart focus on thwarting development. That is why, in the 2013, a woman named Sonja Trauss⁷¹ began the Yes in My Backyard Action or YIMBY Action to make a push for more housing development of any price point throughout the city.

YIMBY Action believes that by building housing at any level (i.e. market rate housing or above) will be what helps San Francisco quell the housing shortage.⁷² By not building any

⁶⁹ “WHO | Health Risks in Cities,” WHO, accessed January 10, 2019, <http://www.who.int/sustainable-development/cities/health-risks/en/>.

⁷⁰ Vanderbilt, Tom. “San Francisco: The Embarcadero Freeway,” Slate Magazine, December 23, 2010, <https://slate.com/human-interest/2010/12/san-francisco-the-embarcadero-freeway.html>.

⁷¹ McCormick, Erin “Rise of the Yimbys: The Angry Millennials with a Radical Housing Solution,” *The Guardian*, October 2, 2017, sec. Cities, <https://www.theguardian.com/cities/2017/oct/02/rise-of-the-yimbys-angry-millennials-radical-housing-solution>.

⁷² “About YIMBY Action,” *YIMBY Action* (blog), accessed January 10, 2019, <https://www.sfyimby.org/about/>.

housing, as Joe Cortright, Director of City Observatory, mentions in an op-ed⁷³, “If you don’t build new housing, you intensify the shortage, raise the rents, and amplify the displacement.” For YIMBYs, stagnation on development is what’s ultimately hurting the city. State Senator Scott Weiner took to Medium⁷⁴ to write about his belief of building more market rate housing to address the state’s housing shortfall. In it he highlights that:

“Our anemic housing production as a state has two main origins: 1) stifling, exclusionary zoning that rejects height, density, and multi-unit buildings, 2) unreasonable housing approval processes that subject even zoning-compliant projects to years of bureaucratic hoops and hearings that increase costs and make projects smaller. This perfect storm of shortsighted policies and lack of political leadership has completely jacked up the cost of housing.”

Thus, to get around this, focusing on more housing in general and not solely on affordable or low-income housing will help to solve the city’s housing needs. Yet, is this entirely true?

Opponents to the YIMBY Movement have concerns about just building any and all kinds of housing, especially market rate. In an article published by the San Francisco Examiner⁷⁵, Peter Cohen, the co-director of the Council of Community Housing Organizations, presented an argument that just building market rate housing would expand the essential revenue source necessary for building more affordable housing (basically trickle-down housing).

⁷³ Cortright, Joe “If You Want Less Displacement, Build More Housing,” CityLab, accessed January 10, 2019, <https://www.citylab.com/equity/2018/08/if-you-want-less-displacement-build-more-housing/568714/>.

⁷⁴ Wiener, Scott “Market-Rate Housing Isn’t a Bad Word, and We Won’t Solve the Housing Crisis Without It,” ART + marketing, April 16, 2017, <https://artplusmarketing.com/market-rate-housing-isnt-a-bad-word-and-we-won-t-solve-the-housing-crisis-without-it-ce67c06aff4d>.

⁷⁵ Cohen, Peter “Don’t Believe the Hype: Affordable Housing Does NOT Depend on Market Rate Development,” The San Francisco Examiner, June 14, 2015. accessed January 10, 2019, <http://www.sfexaminer.com/dont-believe-the-hype-affordable-housing-does-not-depend-on-market-rate-development/>.

Mr. Cohen goes on to highlight that, “By contrast, there were 3,454 housing units built in 2014 of which 490 were affordable housing units, a mere 14 percent of total production. In other words, the “housing balance” was terrible. Affordable housing on balance got worse, not better, as the real estate market boomed. With market-rate housing not even paying its way to mitigate the affordable housing demand it creates; this outcome is not a surprise.” In short, despite the rhetoric of YIMBY Action there is data that shows the development of market rate only housing does not help increase the amount of housing needed to address the affordable housing needs of the city overall.

Another article published by SF Curbed highlighted that “In 2017, the Mayor’s Office of Housing and Community Development or MOH conducted 104 housing lotteries. Over 85,000 households applied for 1,210 units of affordable housing through the MOH housing lottery system. Low- to moderate-income hopeful homeowners submitted 1,510 applications for 185 units and 83,733 very low- to low-income households applied for 1,025 rentals.”⁷⁶ This shows that the city needs to focus increasingly on its housing stock outside of simply market rate housing. By only fighting for “any” housing, we are not addressing the housing affordability crisis felt by so many.

Overall, there is merit to both sides of the argument. There should be more housing being constructed throughout the San Francisco to meet our needed housing requirements. However, there needs to be a balance and sound policy in place to expand our housing stock for the most vulnerable and lower-income individuals in our communities, too. We ultimately run the risk of further making the city where only the rich can live while the poor are reliant on government services that do not entirely eradicate their or address their needs. In ignoring this, we also ignore

⁷⁶ Brinklow, Adam “SF Not Even Close to Building Enough Affordable Housing,” Curbed SF, May 24, 2018, <https://sf.curbed.com/2018/5/24/17391616/san-francisco-affordable-housing-report-2016-2017-bay-area>.

people's human right to adequate housing as one of the chief tenants found in Fact Sheet 21 is affordable housing.

Simply building market rate housing and assuming an increase to the overall housing stock will in turn reduce the cost of housing elsewhere significantly is flawed. Even in New York City, where housing prices have fallen⁷⁷, there continues to be a lack of affordability for low-income individuals in a city that has higher density building and a culture of using as much space available to give people a roof over their heads. In fact, housing prices have risen to where they were before the housing crisis of 2008.⁷⁸ In a human right standard, yes, a government has an obligation to their people to meet and address their needs and making more market rate housing is a part of it. However, there should also be an understanding that sometimes their actions to address an issue can have unintended consequences.

Former San Francisco Supervisor, now State Senator, Scott Weiner, wanted the state to focus on up zoning around major public transit arteries that would include both rail and buses. The idea was simple: by having more housing near transit corridors, you are able to make sustainable communities that are transit rich and can ideally provide the most housing possible for the most people on land that is already designed for housing. It provided plenty of incentives to build denser to get the California density bonus for housing and made rules for developers abide by in order to ensure that the state could resolve its housing crisis.

The Sponsor of the Bill was the San Francisco based YIMBY Action group who, as mentioned before, focused on their belief of making more housing at all levels to address the

⁷⁷ Anuta, Joe "Manhattan Home Prices Fall Again," Crain's New York Business, October 1, 2018, <https://www.crainsnewyork.com/real-estate/manhattan-home-prices-fall-again>.

⁷⁸ Plitt, Amy. "How NYC's Real Estate Market Has Bounced Back since the 2008 Financial Crisis," Curbed NY, September 18, 2018, <https://ny.curbed.com/2018/9/18/17873488/new-york-home-prices-financial-crisis-recovery>.

housing crisis. The bill was to focus on removing much of the red tape around housing development near transit stops and force much of the state's major cities to allow for up zoning. However, there were other issues associated with the bill.

One of the major reasons that this bill failed is that it sought to do too much without ever consulting advocacy groups for the poor, local cities (as virtually every major city or suburb came out in opposition), and community groups to address their many concerns with the bill. The sponsor argued that the bill wouldn't displace people—primarily people of color—to no avail. In the legislative digest on the bill, it highlighted that “To address these concerns, the author has included several provisions, including the following: requiring a developer to create a relocation assistance and benefits plan; relocation payments for eligible displaced persons for expenses incurred for moving themselves and their property; a right to return; no demolition requirements for rent controlled units; and a no net loss provision to ensure the replacement of affordable units during demolition.”⁷⁹ They went on to suggest that “Supporters of this bill, including the sponsor, argue that this bill offers amongst the strongest anti-displacement protections that exist in California state law”.⁸⁰ The opposition to the bill noted that “Right to return policies, in practice, are ineffective at actually ensuring tenants return because housing construction takes several years; once a family has moved away, it is unlikely they will actually move back... Additionally, the right to return language proposed in the bill is vague and will prove difficult to enforce”.⁸¹ As we have discussed earlier in this chapter regarding urban renewal, which had similar “right to return” policies through a housing voucher for existing residents, the opposition made an important observation. In a human rights context, due to the loose language regarding

⁷⁹ California Legislative Digest “Senate Committee on Transportation and Housing”, April 10, 2018. p.g. 12 accessed January 9, 2019

⁸⁰ California Legislative Digest

⁸¹ California Legislative Digest

the right to return, the bill as it stands from that point of view would violate the right to adequate housing found in Fact Sheet 21.

The Los Angeles Times further noted that SB 827 would also run the risk of displacing people due to the fact that the new housing that would be constructed in their neighborhoods, even if the people aren't displaced due to the improvements if they live in a building that would be torn down to make new along the transit line, would increase the costs of the rent that the people living in those neighborhoods are paying.⁸² Thus, even though the housing stock increase should theoretically help to calm the overall market, chances are that making new housing that would likely be at market rate would have a ripple effect throughout a given area that it is in. Overall, experts agree that there needs to be mechanisms in place to increase our housing stock and also to work on denser living accommodations. There are merits and flaws with some of the popular ideas around the San Francisco and California housing crisis that I outlined, but at their core they are all trying to address a major problem within our society that inhibits many people's rights to affordable, adequate housing. Finding common ground, focusing on people's human right to housing in a context that would be supported by international standards (or broaden the scope of what the Carter Administration began to highlight), and enabling mechanisms to expedite the increase and development of housing for all will help our society move forward to remedying the housing insecurity many across the city are feeling today. Overall, there must be a revolution of policy to correct what years of bad policy has brought to residents in San Francisco.

⁸² Dillon, Liam, "A Major California Housing Bill Failed after Opposition from the Low-Income Residents It Aimed to Help. Here's How It Went Wrong," *latimes.com*, May 02, 2018. accessed January 10, 2019, <https://www.latimes.com/politics/la-pol-ca-housing-bill-failure-equity-groups-20180502-story.html>.

Chapter 5: A Moral Revolution and Policy for Addressing the Housing Crises

Housing insecurity is one of the most vexing issues in California and across the nation today. In fact, according to the California Budget & Policy Center “two-thirds of extremely low-income Californians suffer severe cost burdens” spiking their housing insecurity⁸³ and, according to the American Institute, California accounts for 25 percent of the nation’s homeless population.⁸⁴ In essence, the state needs to focus on a multiprong approach to solving the housing crisis. I will proceed with a few considerations that might help in reducing cost of living, grow our housing stock, and assist some of the neediest within our state find shelter and further extends the human right to adequate housing. Such ideas should be worked in concert with each other to produce the most optimal results and to best help the crisis affecting San Francisco.

LIHTC Reform

One of the issues that I believe is a barrier to the human right to adequate housing are LIHTCs. With these tax credits, as mentioned in chapter two, developers will build housing on land that is cheaper than in other parts of a city or town. This is because developers want to get the best return on their investment. However, due to redlining, urban renewal, the economic inequality and disenfranchisement that such policies produced, cities unfortunately have much of this cheap land in predominantly minority neighborhoods. It’s not the case that every neighborhood that is a majority minority is poor in America⁸⁵, however, in an urban context, the

⁸³ Kimberlin, Sara “Poverty and Housing Costs in California: Data and Policy Solutions,” SCANPH, September 22, 017. n.d., 27.

⁸⁴ Cabeles, Victoria. “A Deeper Dive Into California’s Housing And Homelessness Crisis,” KPBS Public Media, August, 28, 2018, accessed January 10, 2019, <https://www.kpbs.org/news/2018/aug/28/deeper-dive-californias-housing-and-homelessness-c/>.

⁸⁵ Evans, Erin E. “Living It Up: 10 Affluent Black Neighborhoods,” The Root, April 23, 2014, accessed January 10, 2019, <https://www.theroot.com/living-it-up-10-affluent-black-neighborhoods-1790868480>.

cheapest land tends to be where these communities reside and services as well as other wealth producing commercial development has failed to reach. Thus, rethinking how state and local governments issue LIHTCs could be critical to addressing these issues.

Conducting a housing stock and property value assessment—as such information is available with county accessor recorders—and develop a local ordinance around LIHTCs where the housing that is made cannot be concentrated to areas only with cheap land could be a game changer. The goal when building housing should be less about developing the very most for the smallest cost to get an unheard-of return on investment, but more developing in a way that also helps to make sustainable communities. Therefore, it would also be important that, in areas where the land is among the cheapest in the city or town, to require an assessment of the needs of the community and within two to three years after the completion of the project those needs are fulfilled.

Although LIHTCs are a mechanism in providing adequate shelter to those in need of it, one of the reasons for a concentration of poverty that can be associated with LIHTC is that often times the inner-city and majority minority locations of a city or town are ignored because they are considered high risk areas for conducting business. Unfortunately, the risk associated with poverty comes from the neglect by the local governments to extend adequate opportunities to all people within their municipality. Due to civic leaders failing to maintain the upkeep for low-income and affordable housing or not holding the landlords and developers responsible for years, the neighborhood becomes in need of restoration. Ensuring that this is addressed would be critical to the development needs in low-income communities so that they can also be sustainable.

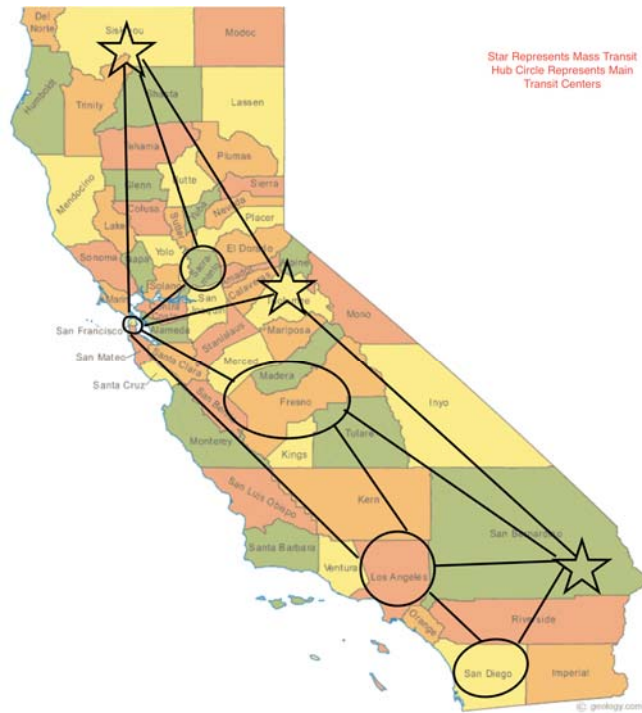
Strengthen Public Transit in California and Build Housing Along Transit Lines

Another idea would be around transit-oriented housing. As mentioned in chapter four, Senator Scott Weiner's SB 827 sought to make sweeping statewide zoning laws that were designed to require housing near transit lines to address the state's housing shortage. Although, there were problems with the bill, a concession should be made that marrying housing access (both residential and multifamily) and quick access to public transportation is a great idea.

Many people in California live in the San Francisco Bay Area, Sacramento metro area, Los Angeles County, Fresno, and San Diego County. These areas, because they do not have enough housing to accommodate for people's needs, tend to drive the high cost of renting or buying a home in the state. One way to fix this could be through what thought leader, Peter Calthorpe, calls "Transit-Oriented Development" or TOD. TOD focuses on building housing in areas near public transportation so that people can have opportunities to live where they want, work where they can, and as a result of these options reduces the burden of providing housing from the cities and expands to the entire state.⁸⁶

California design a multi-regional transit zone in which the five regions discussed above are individual transit districts that connect to each other and throughout the state. Furthermore, enabling express transit from Siskiyou, Tuolumne, and San Bernardino (represented by a star on the map below) with high speed lines directly to the state's top five business/population regions (represented by a circle below) could help with affordability issues in the state and support Mr. Calthorpe's TOD planning. In essence, I would advise a solution that looked similar to this:

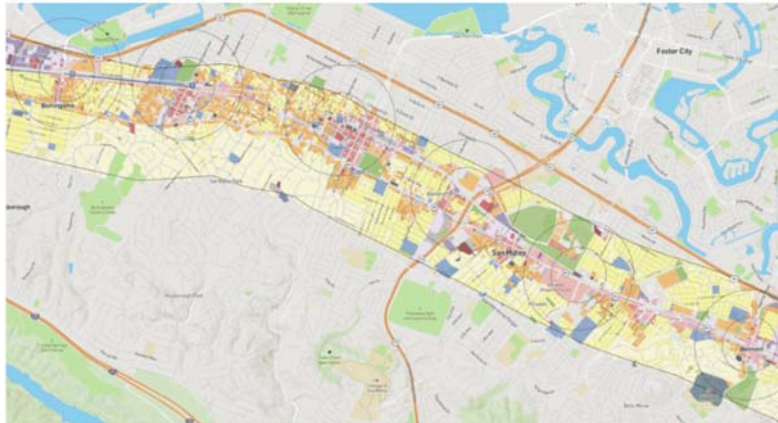
⁸⁶ "Why Transit Oriented Development and Why Now?," Reconnecting America and the Center for Transit-Oriented Development, accessed January 10, 2019, <http://www.reconnectingamerica.org/assets/Uploads/tod101full.pdf>.



The goal would be to ensure that from each star there would be no more than an hour to three hours of transit time⁸⁷. Then, for each circle, there would be no more than half an hour to three hours transit time to get to a desired destination (not withstanding an individual that is traveling from complete opposite ends of the state). Coupling this with mixed-income and affordable housing access near the transit corridors could provide millions of new housing opportunities for California residents. This is based on Peter Calthorpe’s analysis and written works regarding the El Camino corridor near San Francisco.⁸⁸ This area is west of the San Francisco International Airport, but south of the city proper. Mr. Calthorpe noted that by building along this corridor alone could provide more than 250,000 units of housing as shown in the image below.

⁸⁷ In China it takes roughly 4.5 hours to travel the 745 miles from Beijing to Shanghai using their high-speed rail. To get to San Francisco from Los Angeles, assuming we made a similar high-speed system, we would need to cover 380 miles—roughly half the distance of Beijing to Shanghai (calculated through Google Maps). Thus, assuming the train speeds we had were the same, we would be able to ensure that residents could get to SF to LA in about 2.5 hours. With shorter distances such as SF to Sacramento or LA to San Diego, we would expect those times to be even shorter.

⁸⁸ Calthorpe, Peter “Revolutionizing Transit While Solving the San Francisco Housing Crisis,” UrbanFootprint, July 17, 2018, <https://urbanfootprint.com/revolutionizing-transit-while-solving-the-housing-crisis/>.



Thus, by working on a multi-regional transit zone, high-speed rail, and implementing TOD along the way, California could provide millions of units of housing, a plethora of construction jobs, and help to reduce the over burdensome cost of living felt throughout the state.

Increase height limits

San Francisco’s residential height limitations are around forty feet or a maximum two to three stories tall.⁸⁹ Experts in the field argue that an increase to the height limits for residential housing in the city to increase our overall housing stock would be a big step in providing more housing solutions for all San Franciscans.⁹⁰ Although many may hate the idea of higher buildings in the city, it is safe to say that the idea of having to spend an average of \$2,500 per month on a

⁸⁹ “Summary of the Planning Code Standards for Residential Districts”, San Francisco Planning Office. accessed January 8, 2019, <https://sf-planning.org/sites/default/files/FileCenter/Documents/5358-Residential%20Standards%20Summary%20Table.pdf>.

⁹⁰ Hirsch, David L. “Opinion: Allow Building-Height Limit Exceptions,” accessed January 10, 2019, <https://www.paloaltoonline.com/news/2017/03/10/guest-opinion-city-should-flex-height-limit-for-creative-development>.

studio apartment is far more undesirable.⁹¹ Thus, building housing higher and have some denser offerings, would help to increase our housing stock, reduce housings costs, and provide more options for people to live while even helping to calm the housing markets of neighboring locations in the greater Bay Area.

Vacant Lot Assessment

In San Francisco, just like any modern city, there are vacant lots that could be used for housing development. A way to meet our housing needs would be to do an inventory of the land that is vacant in the city and consider the feasibility of making housing on top of it. Due to the size of most parking space, for example, the lots would likely have smaller housing options and would be denser. However, they would go to increasing our overall housing stock and help to reduce housing prices for residents.

Rethink Commercially Zoned Lots

In my review of literature and ideas of developers, there is a consensus that increasing and allowing for housing on commercially zoned lots could help tremendously for high cost housing markets.⁹² If San Francisco initiated a plan to allow for all commercially zoned areas to have housing above it (effectively making them mixed use housing), we could add a great deal of housing options for our residents. Something as simple as all commercially zoned and retail lots being required to have one to three floors of rental housing for small towns (100—75,000

⁹¹ Erwert, Anna M. "Renting a Studio in San Francisco Will Cost You \$2,500 a Month. Here's What You Get," SFGate, April 20, 2018, <https://www.sfgate.com/realestate/article/San-Francisco-rental-market-average-rent-12834660.php>.

⁹² "25 Solutions From A Builder's Perspective To Fix The California Housing Crisis," Urbanize LA, January 10, 2018, <https://urbanize.la/post/25-solutions-builder%E2%80%99s-perspective-fix-california-housing-crisis>.

people), three to five floors of rental housing for medium towns and small cities (75,001 to 450,000 people), and five to seven floors of rental housing for large cities (450,000 or more people) would help increase our housing stock and such an increase would help to reduce the overall cost of housing for residents. The State of California would have to pass a law to allow for building housing on commercially zoned lots, but given the need to develop more housing and the demand citizens have, there shouldn't be too much legislative obstruction in getting it done.

Streamline Affordable and Mixed-Income/Use Housing

Before Mayor Ed Lee passed in late 2017, he had authorized the streamlining of new affordable housing that met city requirements for multifamily homes. An article published noted that the plan “calls for housing projects to be considered for approval ranging from no later than six months after they are filed for projects that don't require environmental review, or up to twenty-two months for very complex projects. Most projects would have nine to 18-month approval deadlines”.⁹³ Replicating this type of process across the Bay Area, Los Angeles, Sacramento, and San Diego counties would help to address the states need to build 1.8 million homes by 2025.⁹⁴ Furthermore, this process of expediting affordable housing should be extended to middle-income housing, too. The middle class is often left out of the housing discussion because they either make too much to qualify for affordable housing, but can't afford more “luxury” housing. Through adding onto this policy for those that are middle income/class earners

⁹³ Li, Roland “San Francisco Mayor Ed Lee Orders City Departments to Speed up Housing Approvals,” San Francisco Business Times, September 27, 2017, accessed January 10, 2019, <https://www.bizjournals.com/sanfrancisco/news/2017/09/27/sf-mayor-ed-lee-streamline-housing-approvals.html>.

⁹⁴ Rodriguez, Robert “Is Rent Control An Answer To California's Housing Crisis?,” NPR.org, September 27, 2018, accessed January 10, 2019, <https://www.npr.org/2018/09/27/650533981/is-rent-control-an-answer-to-californias-housing-crisis>.

to be able to afford to rent or buy a home would help a long way in ensuring everyone has access to adequate housing.

Vacancy Penalty

Due to Costa-Hawkins, a city cannot impose vacancy control to help address the cost of living in their community. However, one solution to addressing housing stock being taken off of the market and having rents spike for the next tenant could be a vacancy tax. In short, a vacancy tax is levied when a property is not being utilized or rented out.⁹⁵ A city will sometimes use this to force landowners to “develop, lease or sell their empty properties”.⁹⁶ Because the cost of living is also a result of housing stock available to rent, landowners in the scarce housing market of San Francisco are able to charge housing or land premiums to potential tenants. This then forces the cost of living to skyrocket and make for a climate of unaffordability for low- and moderate-income citizens. Thus, the use of a vacancy tax that went into effect if a multifamily property was on the market for, let’s say, three months or a business space was on the market for more than six months, then there would be a tax penalty levied against them. The main goal of this is to ensure that there is housing that goes onto the market and is available for individuals to rent. If a landowner raises prices too high, they will likely not be able to sell and ultimately need to find a more reasonable price point that the renters would benefit from.

Multi-jurisdictional Zoning Law

⁹⁵ Charles, J. Brian. “Are Vacant Property Taxes Effective in the Fight Against Blight?,” GovTech.com, May 16, 2018. accessed January 10, 2019, <http://www.govtech.com/fs/infrastructure/Are-Vacant-Property-Taxes-Effective-in-the-Fight-Against-Blight.html>.

⁹⁶ Romero, Farida J. “Oakland Wants to Tax Vacant Properties to Help Ease Homelessness,” KQED, September 1, 2018, <https://www.kqed.org/news/11689739/oakland-wants-to-tax-vacant-properties-to-help-ease-homelessness>.

Zoning laws can unintentionally be a hinderance when trying to build any type of housing. Housing policy leaders believe that there should be multi-jurisdictional zoning laws for mixed-income and use multifamily housing. The goal would be to ensure that there is uniformity in the code to disambiguate what local or county laws are, which tend to stall or halt the development of housing.⁹⁷ Ensuring that there is less bureaucracy or ambiguity in zoning laws (that do not compromise environmental or other necessary safety measures) could help in expediting the development of housing throughout the state by developers.

Income-driven Rent Payments

Income driven rent payments or IDRPs would function as a means to enable low- to moderate-income individuals afford to live in and keep their housing in apartments or condominiums. If a person loses their job or access to financial benefits they would be able to submit a form to their landlord that would change their rent payments to an amount that they can pay based on their new income. The program would last up to a year so that the person can either find new accommodations to live or work. The process in getting this to work would be through the state legislature to first allow for individual cities to enable such a process as it would have fiscal and tax implications and thus would require state input. The other reason for passing it at the state level would be to ensure that there are protections in place for citizens so that they are not taken advantage of by landlords in any locality that chose to use it. Next, local governments would have to pass IDRPs that fit the states aspirations and did not violate the baseline requirements of the bill. Local governments would also have the flexibility to add to it for their municipality as they see fit.

⁹⁷ "25 Solutions From A Builder's Perspective To Fix The California Housing Crisis."

This policy could also be used to expand landlord and developer options if they want to qualify for government related tax credits and housing development subsidies. With IDRPs, as long as developers and landlords comply with its provisions, there would be less of a burden on them and they would be able to build more housing in various neighborhoods as long as a percentage (as ordered by state law or modified by local ordinances) of the housing is marked for IDRPs. As a baseline of needs within a policy of this stature, a few items that should be in an IDRPs would be:

- Provide landlords with a tax credit if they choose to place their property and specified units under an IDRPs plus an additional tax credit per percentage over state and local IDRPs laws or ordinances.
- Would prevent double dipping i.e. if you use the IDRPs, you are not allowed to take the LIHTC.
- A city that adopted IDRPs would need to set local provisions that show which citizens would qualify for IDRPs. For example, in San Francisco, a family making less than \$117,000 a year is considered to be low-income whereas an individual living in Vallejo (in the northern Bay Area) is considered low-income if they make about \$60,000 according to the MIT Living Wage Calculator.⁹⁸ As such, I would argue that the formula should be based on the state income brackets for middle and low-income single and family. This is because in most other areas outside of San Francisco, \$117,000 a year would show that an individual or even a family is in the upper middle class and may not require affordable housing. The bill would also allow for areas that are expensive to live in, such as San Francisco or Los Angeles, to create a local formula should they desire to do so.

⁹⁸ "Living Wage Calculator - Living Wage Calculation for Vallejo-Fairfield, CA," accessed January 10, 2019, <http://livingwage.mit.edu/metros/46700>.

- Have a provision where, at the very minimum, 10 to 15 percent of the individual apartments in multifamily buildings (condos, apartments, townhomes, row-houses, etc.) comply with IDRP to obtain any tax benefits of the policy
- Ensure that all units pass state and local housing codes for fitness, suitability, and accommodating for the elderly and those with disabilities on a biannual basis to remain qualified for the tax credit.
- Provide a tax credit or bonus for new developments that will be mixed-use (defined as businesses on the first floor or lobby) or provides greenspace (can be natural or artificial).
- Tax credits for units that run on 15 percent or more reusable energy. As California is working to reduce its greenhouse gas emissions by 2030⁹⁹, building with sustainability in mind should also be a main focus.

In short, IDRP seeks to expand low- and moderate-income housing options, reduce the stringent rules present in current housing programs such as Section 8, and keep people in their homes.

Concluding Thoughts and a Holistic Approach to Solving the Crisis

What is often not discussed enough regarding adequate housing access is the role that wealth inequality plays in dictating people’s options for housing. Activists believe that we should be focused on simply building 100 percent affordable housing to address the housing crisis.¹⁰⁰

Yet, we fail to ask: why have we become a society where the idea of 100 percent affordable housing is even needed? Affordable housing shouldn’t be something we seek to proliferate in our

⁹⁹ “California Plans to Reduce Greenhouse Gas Emissions 40% by 2030 - Today in Energy - U.S. Energy Information Administration (EIA),” accessed January 10, 2019, <https://www.eia.gov/todayinenergy/detail.php?id=34792>.

¹⁰⁰ Britschgi, Christian. “San Francisco Activists Demanded 100 Percent Affordable Housing From a Developer. Now They’re Getting None.” Reason.com, August 2, 2018. accessed January 2, 2019 <https://reason.com/blog/2018/08/02/san-francisco-activists-demanded-100-per>.

society due to the lackluster ability of wages keeping up with inflation and the lack of work opportunities that are in these areas to begin with. Affordable housing should be our stopping block to people being homeless and forced to live on the street. Simply looking at the definition of “adequate housing” by the UN and the offerings it should provide is well intentioned by the international community. However, I believe that we need to focus on “holistic” housing as a human right. Holistic housing would be housing that allows for low, middle, and wealthy individuals to have a roof over their head, food on the table, and enough resources at the end of the month to be able to save for their futures. It should be built on ideas of housing and even tax equity so that neighborhoods are not better or worse off due to their zip code or the wealth or lack thereof.

Holistic housing would serve to ensure that we have neighborhoods holistically built for an equitable society and focuses on the betterment of the whole person. Such a revision of thought examines how the housing in a neighborhood is situated in respect to public transportation so that people do not have to rely on third party transit options or be forced to buy a car to get to work. It must focus on proximity to and the abundance of healthy food options as we have seen many low-income housing neighborhoods fail to do so.¹⁰¹ It must also ensure that the quality of education in a public-school system is not underperforming compared to a more affluent neighborhood just because the tax brackets are different.¹⁰² In short, a holistic housing initiative must be one that seeks *equity* as a human right. I do understand, however, that not everyone is going to be able to flourish in society due to the viscidities of life are unpredictable,

¹⁰¹ Brooks, Kelly. “Research Shows Food Deserts More Abundant in Minority Neighborhoods,” The Hub, March 10, 2014. accessed January 05, 2019 <https://hub.jhu.edu/magazine/2014/spring/racial-food-deserts/>.

¹⁰² Boschma, Janie and Brownstein, Ronald. “Students of Color Are Much More Likely to Attend Schools Where Most of Their Peers Are Poor,” The Atlantic, February 29, 2016. accessed December 02, 2018 <https://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/>.

but as a progressive society city, San Francisco should lead the way in providing the means necessary for future generations to be able to move themselves out of poverty and pursue their life's work uninhibited.

San Francisco alone should not be held responsible for creating housing for the entire Bay Area. We simply do not have the physical space for that and cramping that many people in our city will have detrimental effects.¹⁰³ As a state, we must focus on a multiregional strategy on housing. This must be done in a way that helps municipalities maximize their housing stock for their residents with anticipation of movement by others to their municipality within their grid so that no one city is overburdened with housing creation. I would also recommend an assessment of each metro area to determine how many people it can have in it before it has reached a critical mass. This would serve to help the city understand its limitations, whether it can engineer ways to go beyond them, and what they can do to help add more housing stock or work with neighboring areas to help their housing stock increase to accommodate for more people in the area. In the final analysis, we must seek housing as a human right, steeped in economic justice, and accessible for all.

¹⁰³ "WHO | Health Risks in Cities."

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