

MEASURE B

IMPARTIAL ANALYSIS BY CITY ATTORNEY, CITY OF ARCATA

Measure B asks voters to increase the total number of affordable housing units in Arcata that may be developed, constructed, or acquired in whole or in part with public assistance. The current affordable housing unit limit was established in 1992 by Arcata voter approval of Ballot Measure L, which authorized the development, construction, or acquisition with public assistance of up to 250 low income housing units or up to 5% of the total number of housing units in Arcata, whichever is greater.

Adoption of Ballot Measure L in 1992 was required by Article XXXIV of the California Constitution in order for the City to provide assistance to affordable housing development. Article XXXIV requires a public agency to obtain voter approval before it may develop, construct or acquire low income housing (or assist in the development, construction, or acquisition of low income housing). Jurisdictions that do not comply with Article XXXIV voter-approval requirements are not eligible for state or federal affordable housing funds. As a compliance mechanism, many local agencies throughout California obtain general authority from the electorate to develop low income housing through ballot measures similar to Arcata's 1992 Ballot Measure L and proposed Ballot Measure B prior to identification of any specific project. Such ballot measures are often referred to as "Article 34 elections."

The California Legislature has clarified through state law that not all affordable housing falls within the voter approval requirements of Article XXXIV. For example, Article XXXIV does not apply to privately owned housing that does not receive public financing, to projects with less than 49% of the units occupied by low-income families, or to owneroccupied developments. Currently, the City estimates that there are approximately 8019 housing units in Arcata, 5% of which is 401, the current affordable housing limit adopted by Arcata voters in the 1992 Article 34 election. The City calculates that it has provided loans and other financial assistance toward the creation of 380 low income housing units that are subject to the Article XXXIV the limitation. Based on this, 21 more low income units may be created with public assistance before reaching the 5% limitation established by the 1992 Article 34 election.

Measure B seeks to increase the affordable housing limit to 7.5% of total housing inventory. The State of California's current affordable housing allocation for Arcata, which was incorporated into the Housing Element of the City's General Plan, is the creation of 237 new affordable housing units by 2027. Increasing the housing limitation as proposed in Measure B to 7.5% of total housing inventory would allow the City to apply for federal and state grants to assist in the development of affordable housing to meet this goal.

If approved by a majority of the voters at the November 3, 2020, election, the ordinance would go into effect upon adoption.

A **YES** vote approves the measure.

A **NO** vote rejects the measure.

Respectfully submitted,
/s/ Nancy Diamond
City Attorney, City of Arcata

**IF YOU DESIRE A COPY OF THE FULL RESOLUTION , PLEASE CONTACT THE
ARCATA CITY CLERK'S OFFICE (825-2103) OR THE OFFICE OF ELECTIONS (445-
7481) AND A COPY WILL BE PROVIDED TO YOU AT NO COST.**