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## GOVERNMENT CODE - GOV

**TITLE 6.8. San Francisco Bay Area Regional Housing Finance [64500 - 64652]** ( Title 6.8 added by Stats. 2019, Ch. 598, Sec. 1. )

**PART 1. Formation of the Bay Area Housing Finance Authority and General Powers [64500 - 64531]** ( Part 1 added by Stats. 2019, Ch. 598, Sec. 1. )

**CHAPTER 3. Powers of the Bay Area Housing Finance Authority [64520 - 64523]** ( Chapter 3 added by Stats. 2019, Ch. 598, Sec. 1. )

[64520.](#) In implementing this title, the authority may do all of the following:

- (a) Subject to the approval of the executive board, place one measure per election on the ballot to raise revenue and allocate funds throughout the San Francisco Bay area, as provided in Part 2 (commencing with Section 64600).
- (b) Apply for and receive grants or loans from public and private entities.
- (c) Solicit and accept gifts, fees, grants, loans, and other allocations from public and private entities.
- (d) Deposit or invest moneys of the authority in banks or financial institutions, as provided in Chapter 4 (commencing with Section 53600) of Part 1 of Division 2 of Title 5, including the investment of any money that is not required for the immediate necessities of the authority, as determined by the authority.
- (e) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
- (f) Engage counsel and other professional services.
- (g) Enter into and perform all necessary contracts.
- (h) Enter into joint powers agreements pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1).
- (i) Hire staff, define their qualifications and duties, and provide a schedule of compensation for the performance of their duties.
- (j) Utilize staff employed by the Metropolitan Transportation Commission.
- (k) Allocate and deploy capital and generated fees or income in the form of grants, loans, equity, interest rate subsidies, and other financing tools to the cities, counties, other public agencies within the San Francisco Bay area, private affordable housing developers, and nonprofit corporations organized pursuant to Section 501(c)(3) of the Internal Revenue Code to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, pursuant to this title, in accordance with applicable constitutional requirements.
- (l) Establish and modify the terms of potential capital investments deployed by the authority, including waiving or forgiving interest or principal payments.
- (m) Collect data on housing production and monitor progress on meeting regional and state housing goals.
- (n) Provide support and technical assistance to local governments in relation to producing and preserving affordable housing and providing tenant protections.
- (o) Provide public information about the authority's housing programs and policies.
- (p) Incur and issue bonds and other indebtedness, and otherwise incur liabilities or obligations in accordance with Article 3 (commencing with Section 64630) of Chapter 2 of Part 2, and issue mortgage revenue bonds pursuant to Part 5 (commencing with Section 52000) of Division 31 of the Health and Safety Code.
- (q) Acquire, hold, develop, operate, and dispose of real property, including residential real property.
- (r) (1) Create one or more California limited liability companies of which the authority is the sole member and exercise any of the powers granted to the authority by this title through those limited liability companies.

(2) Any limited liability company created pursuant to paragraph (1) shall be subject to the to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

(s) Any other implied powers necessary or incidental to carry out the intent and purposes of this title.

*(Amended by Stats. 2023, Ch. 758, Sec. 3. (AB 1319) Effective January 1, 2024.)*

**64521.** (a) Subject to the initial approval of the executive board, if the authority proposes a measure pursuant to Part 2 (commencing with Section 64600) that will generate revenues and that requires voter approval pursuant to the California Constitution, the board of supervisors of the county or counties in which the authority has determined to place the measure on the ballot shall call a special election on the measure. The special election shall be consolidated with the next regularly scheduled statewide election and the measure shall be submitted to the voters in the appropriate counties, consistent with the requirements of Articles XIII A, XIII C, and XIII, or Article XVI of the California Constitution, as applicable.

(b) (1) For the purpose of placement of a measure on the ballot, the authority is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the authority that requires voter approval shall be submitted to the voters of the counties, as determined by the authority, in accordance with the provisions of the Elections Code applicable to districts, including the provisions of Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(2) Because the authority has no revenues as of the operative date of this section, the appropriations limit for the authority shall be originally established based on receipts from the initial measure that would generate revenues for the authority pursuant to subdivision (a), and that establishment of an appropriations limit shall not be deemed a change in an appropriations limit for purposes of Section 4 of Article XIII B of the California Constitution.

(c) The authority shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the authority board requesting consolidation and setting forth the exact form of the ballot question, in accordance with Section 10403 of the Elections Code.

(d) Notwithstanding Section 9313 of the Elections Code, the legal counsel for the authority shall prepare an impartial analysis of the measure. The impartial analysis prepared by the legal counsel for the authority shall be subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal decennial census, among those counties in which the measure will be submitted to the voters.

(e) (1) Each county included in the measure shall use the election materials provided by the authority, including the exact ballot question, impartial analysis, and full text of the ballot measure for inclusion in the voter information pamphlet. The text of the ballot measure shall include, but is not limited to, all of the following:

(A) A description of the purpose and goals of the measure.

(B) A description of the categories of eligible expenditures to be funded.

(C) An estimate of the number of affordable housing units to be built or preserved by household income category served, and a description of any specific projects planned to be funded.

(D) An estimate of minimum funding levels to be provided to different expenditure categories by county.

(E) An overview of decisionmaking and oversight provisions applicable to the funds.

(2) If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among those counties that are required to prepare a translation of ballot materials into the same language other than English shall prepare the translation, or authorize the authority to prepare the translation, and that translation shall be used by the other county or counties, as applicable.

(f) Notwithstanding Section 13116 of the Elections Code, the elections officials of the counties where the measure proposed by the authority is placed on the ballot shall mutually agree to use the same letter designation for the measure.

(g) The county clerk of each county shall report the results of the special election to the authority. If two-thirds of all voters voting on the question at the special election vote affirmatively, or a different approval threshold required by the California Constitution at the time the election is achieved, the measure shall take effect in the counties in which the measure appeared on the ballot within the timeframe specified in the measure.

(h) (1) Notwithstanding Section 10520 of the Elections Code, for any election at which the authority proposes a measure pursuant to subdivision (a) of Section 64520 that would generate revenues, the authority shall reimburse each county in which that measure

appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters with proceeds from the measure, or if the measure fails, with any eligible funds transferred to the authority from the Association of Bay Area Governments or the Metropolitan Transportation Commission or other public or private entity.

(2) For purposes of this subdivision, "incremental costs" include all of the following:

(A) The cost to prepare, review, and revise the impartial analysis of the measure that is required by subdivision (d).

(B) The cost to prepare a translation of ballot materials into a language other than English by any county, as described in subdivision (e).

(C) The additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the measure appears on the ballot, including both of the following:

(i) The printing and mailing of ballot materials.

(ii) The canvass of the vote regarding the measure pursuant to Division 15 (commencing with Section 15000) of the Elections Code.

*(Amended by Stats. 2023, Ch. 758, Sec. 4. (AB 1319) Effective January 1, 2024.)*

**64522.** The executive board and the authority shall not do either of the following:

(a) Regulate or enforce local land use decisions.

(b) Acquire property by eminent domain.

*(Added by Stats. 2019, Ch. 598, Sec. 1. (AB 1487) Effective January 1, 2020.)*

**64523.** Actions taken by the authority to raise, administer, or allocate funding for tenant protection, affordable housing preservation, or new affordable housing production, or to provide technical assistance consistent with the authority's purpose shall be exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

*(Added by Stats. 2023, Ch. 758, Sec. 5. (AB 1319) Effective January 1, 2024.)*