

## RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

\* \* \* \* \*

**RESOLUTION: A) CALLING AND PROVIDING FOR AN ELECTION TO SUBMIT TO THE VOTERS OF SAN MATEO COUNTY A BALLOT MEASURE PURSUANT TO ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION AUTHORIZING PUBLIC AGENCIES IN SAN MATEO COUNTY TO ANNUALLY DEVELOP, CONSTRUCT, OR ACQUIRE HOUSING UNITS FOR LOW INCOME PERSONS, INCLUDING FOR FAMILIES, SENIORS, PEOPLE WITH DISABILITIES, AND VETERANS, IN THE UNINCORPORATED AND INCORPORATED AREAS OF SAN MATEO COUNTY, UP TO, COLLECTIVELY, 1% OF THE TOTAL HOUSING UNITS EXISTING IN SAN MATEO COUNTY, WITH ANY UNUSED UNITS CARRYING OVER FOR USE IN SUBSEQUENT YEARS; AND B) REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH THE NOVEMBER 5, 2024 GENERAL ELECTION**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Article XXXIV of the Constitution of the State of California (“Article 34”) provides that no low-rent housing project shall be developed, constructed, or acquired in any manner by any state public body until a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the project, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election; and;

**WHEREAS**, this Board of Supervisors recognizes that housing in San Mateo County has become increasingly scarce and expensive, and that it is unaffordable for many low-income residents, including, but not limited to, the elderly, persons experiencing homelessness, persons with disabilities, veterans, and other vulnerable populations; and

**WHEREAS,** the County's most recent Point In Time Count, conducted January 24, 2024, identified 2,130 people experiencing homelessness in San Mateo County; and

**WHEREAS,** the Board is committed to reaching and maintaining Functional Zero Homelessness, where every unsheltered homeless person in San Mateo County who chooses assistance will be provided interim or permanent housing; and

**WHEREAS,** in December 2021, the Association of Bay Area Governments ("ABAG") released a Final Regional Housing Needs Assessment ("RHNA"), updated in November 2022, which identifies the total number of housing units that every local government in the Bay Area must plan to accommodate for the period from 2023 to 2031, and determined that Countywide, including all cities and the unincorporated area of San Mateo County, the housing need for the 2023-2031 period is 12,196 housing units for very low-income persons (including 811 in the unincorporated area), 7,023 housing units for low-income persons (including 468 in the unincorporated area), and 7,937 housing units for moderate income persons (including 433 in the unincorporated area); and

**WHEREAS,** despite efforts by the County and other public agencies in San Mateo County, there remains an insufficient amount of deed-restricted housing units that are assured to be affordable to very low-income, low-income and moderate income tenants within San Mateo County; and

**WHEREAS,** the County's adopted 2023-31 Housing Element ("Housing Element"), which remains under review by the State Department of Housing and Community Development, promotes the production of housing sufficient to meet the current and projected needs of the County's diverse communities, and specifies goals

including, among others, to protect existing affordable housing stock, and to support new housing for extremely low to moderate-income households, and the Housing Elements of cities within San Mateo County similarly recognize the need for additional affordable housing; and

**WHEREAS**, obtaining voter approval authorizing public agencies within San Mateo County to annually develop, construct, or acquire low-rent housing units up to 1% of the total number of existing housing units in San Mateo County in that year is consistent with the County's and the cities' General Plan Housing Element goals and policies and is in furtherance of the Board's goals to provide permanent affordable housing throughout San Mateo County, is in the vital and best interests of the public agencies and the welfare of our local communities and residents, and is in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

**WHEREAS**, the Board hereby determines that there is a need for housing for low-income persons, households, and families, persons with disabilities, veterans, and other vulnerable residents throughout San Mateo County; and

**WHEREAS**, the construction, development, and/or acquisition of low-rent housing projects by public agencies in San Mateo County will provide jobs for the region, and enable residents to live affordably, thus strengthening our local economy; and

**WHEREAS**, voter approval of a ballot measure does not constitute a project under the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, putting before the voters of the County a measure that would allow local agencies to amass and collect state, federal and private funding to develop,

construct, or acquire low-rent housing is not a project under CEQA because doing so is merely the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment within the meaning of 14 Cal. Code Regs. § 15378(b)(4); and

**WHEREAS**, environmental and planning review of individual projects allowed by the ballot measure proposed herein will be undertaken in the manner required by law at the appropriate time; and

**WHEREAS**, voter approval of the ballot measure provided for herein does not increase local taxes, and does not grant approval for any specific development, construction, or acquisition, as each such development, construction, or acquisition must be consistent with the General Plan, zoning and building regulations, and CEQA, as applicable; and

**WHEREAS**, voter approval of the proposed ballot measure herein would not preclude the development, construction, or acquisition of additional affordable housing units within the County above the annual 1% limit for projects authorized by a separate Article 34 vote or not otherwise subject to Article 34; and

**WHEREAS**, the Board now desires to submit to the voters of San Mateo County at the November 5, 2024 General Election a measure allowing local public agencies within San Mateo County, without raising taxes, to construct, develop, or acquire low-rent housing units in the unincorporated areas and incorporated cities on an annual basis in

an amount up to 1% of the existing housing units in San Mateo County, with any year's unused units carrying over annually.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:**

**SECTION 1.** The Board hereby finds and determines that the foregoing recitals are true and correct.

**SECTION 2.** An election shall be and is hereby ordered and called to be held on November 5, 2024 (the "Election") within San Mateo County for the purpose of submitting to the qualified electors of San Mateo County, for their approval, a ballot measure pursuant to Article 34 authorizing local public agencies in San Mateo County to develop, construct, or acquire affordable, low-rent housing in the unincorporated areas and incorporated cities on an annual basis in an amount up to 1% of the existing housing units in San Mateo County, with any year's unused units carrying over annually (the "Measure").

**SECTION 3.** The Measure passes if it receives approval from a majority (i.e., 50% + 1) of eligible voters countywide.

**SECTION 4.** The form of the ballot question for the Measure as it is to appear on the ballot is as follows:

Shall a measure be approved authorizing local public agencies in San Mateo County to, without increasing local taxes, develop, construct, or acquire housing units for low income persons, including for families, seniors, persons with disabilities, and veterans, in the unincorporated and

incorporated areas of San Mateo County, on an annual basis in an amount of up to 1% of the total housing units existing in San Mateo County, with any unused units carrying over for use in subsequent years?

Yes \_\_\_\_\_

No \_\_\_\_\_

## **SECTION 5.**

(a) For purposes of this Measure, “public agency” has the same meaning as “state public body” as set forth in Article 34.

(b) For the purposes of this Measure, “the total housing units existing in San Mateo County” shall be determined by reference to the most recent annual data published by the California Department of Finance. The annual 1% limit of the total housing units existing in San Mateo County shall apply collectively to all local public agencies seeking to develop, construct, or acquire housing units for low income persons. Any unused units would be carried over for use in subsequent years.

(c) If the Measure is approved by a majority of voters countywide, local public agencies would be authorized to, without increasing local taxes and subject to the annual 1% limit of the total housing units existing in San Mateo County, develop, construct, or acquire housing units for low income persons, including for families, seniors, persons with disabilities, and veterans, in the unincorporated and incorporated areas of San Mateo County pursuant to Article 34, subject to other applicable legal requirements. Voter approval of the Measure would not preclude the development, construction, or acquisition of additional affordable housing units above the annual 1% limit for projects authorized by a separate Article 34 vote or for projects not otherwise subject to Article 34.

**SECTION 6.** The County's Chief Elections Officer shall publish a notice of the Election in accordance with the Elections Code and give any other notices required for the Election.

**SECTION 7.**

(a) The Election shall be held and conducted, the returns canvassed, and the result declared in the same manner as provided for general elections.

(b) The Election will be held on November 5, 2024, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m., the polls will be closed except as provided in Elections Code Section 14401.

(c) The County's Chief Elections Officer shall prepare and mail to each eligible voter in San Mateo County a sample ballot and a voter's pamphlet containing the complete text of the Measure, which shall include the recitals (i.e., "**WHEREAS**" clauses) and Sections 1, 2, 3, 4, and 5, above.

(d) The County's Chief Elections Officer shall designate the polling places and provide election officers at the Election in accordance with applicable election laws of the State of California.

(e) The Election shall be consolidated with any and all other elections to be held on the November 5, 2024, General Election.

**SECTION 8.** Pursuant to Elections Code Section 10002, this Board hereby permits the County's Chief Elections Officer to render all services specified by Elections

Code Section 10418 relating to the Election, to include the publication of notices of Election and the mailing of the sample ballot. The County will pay for all such services performed by the County's Chief Elections Officer related to the Election.

**SECTION 9.** This Board hereby requests that the County's Chief Elections Officer, and/or designee(s), take all actions which are necessary or appropriate in connection with the Election, including, but not limited to, printing and mailing sample ballots, arguments, and applications for absentee ballots, canvassing election returns, and certifying the results of the Election to the Board. The County Attorney's Office shall prepare the impartial analysis of the Measure.

**SECTION 10.** The Clerk of the Board is hereby authorized and directed to deliver a copy of this Resolution to the County's Chief Elections Officer, or other appropriate elections officials of San Mateo County, no later than 88 days prior to the Election, and to give notice of the Election by causing the County's Registration & Elections Division to publish the text of the Measure and other items, not later than 15 days before the date of the Election.

**SECTION 11.** If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.

**SECTION 12.** The members of this Board are hereby authorized, but not directed, to prepare and file with the County's Registration & Elections Division, a ballot argument



in favor of the Measure within the time established by County's Registration & Elections Division.

**SECTION 13.** The approval of this Resolution is exempt from California Public Resources Code §§ 21000 *et seq.* and 14 Cal. Code Reg. §§ 15000 *et seq.* ("CEQA Guidelines"). Neither this Resolution nor the proposed Measure grants approval for any specific project and is not a commitment to any particular action. As such, under CEQA Guidelines Section 15060(c)(2), the Resolution is not a project within the meaning of CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. CEQA review will be performed on any specific project undertaken pursuant to the authorization granted by this Resolution at the appropriate time. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

**SECTION 14.** The County Executive, or designee(s), is hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

\* \* \* \* \*