

**Berkeley Progressive Alliance/Berkeley Citizens Action
Candidate Questionnaire--2018 Election**

**Sunday, April 29th Endorsement Meeting
North Berkeley Senior Center**

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Candidate for What Office: City Council District 8

Please return questionnaire to BPA by Thursday, April 19th

**2018 Questions for Candidates for Berkeley City
Council**

I. General

A. Why do you think you'd make a good councilmember?

I am a strategic thinker and a problem solver, and I believe my professional background, my progressive values, and my commitment to work for the community uniquely qualify me to serve on the City Council. As a practicing attorney for almost 30 years, I have a record of accomplishment and a reputation for professionalism. I have worked on a wide range of cases, including land use and redevelopment matters, and represented the City of Oakland to keep affordable senior housing in Chinatown. For the last 10 years, my practice has focused on Native American tribal law, including pro bono efforts to achieve federal recognition for non-recognized tribes.

I am excited to seek this opportunity to be an effective advocate for residents of Berkeley and my district, District 8. Berkeley has been my home for virtually my entire adult life. I moved to Berkeley to attend UC as an undergrad, and with the exception of a few years, including graduate school in Washington DC, I have lived within a mile of where I live now in South Berkeley, and where I raised two Berkeley High graduates! This is a critical time for the City of Berkeley. We face a crisis of affordable housing and homelessness and are in danger of losing what makes Berkeley a wonderful, diverse and unique place to live. Sutter Health is threatening to close Alta Bates Hospital, and the I 80 corridor is poised to become a hospital desert. I will work proactively and tirelessly to address these and other important issues, and I am committed to being both a leader on the City Council, as well as a collaborative and attentive partner with the community, and with my Council colleagues.

B. What are the key issues that you think the City Council should address?

The key challenge we face today is preserving the diversity of our community. The crisis we face in affordable housing is inextricably linked to homelessness. In addition to those living on our streets, many people in Berkeley are extremely housing insecure, one pay check, illness or injury away from being evicted and becoming homeless. There are many people who work in this City — and for this City — who simply cannot afford to live here, and the stories I have heard about the plight of homeless UC Berkeley students is heartbreaking.

Unfettered market rate development based on “trickle-down” affordable housing theory is not the solution to this crisis. We need to actually, not theoretically, build as much affordable housing as possible, on-site, in new developments, and we need to buy and preserve dedicated affordable housing at all levels of affordability. We cannot let the State take away our right to zone our City, nor should the State unilaterally impose a right to build apartment buildings at any “highly used” bus stop. Berkeley must and will build new housing for new residents, but it is a false dichotomy to suggest we must disrespect our past to plan our future. I opposed SB827 because I support people over profits. We need to retain local zoning control to hold developers accountable to produce housing affordable for our residents

As a Councilmember, I will work to ensure that Berkeley builds housing in a manner that maintains the architectural integrity and rich diversity of our neighborhoods. We need to strengthen rent control through the repeal of Costa Hawkins; and we need to demand that UC Berkeley step up and work with us to address the negative impact over-enrollment has on students, who are sleeping in cars or Moffit Library, as well as on the City of Berkeley, which struggles to provide basic municipal services and address daylong transportation gridlock.

I am also deeply concerned about Sutter Health’s plan to close Alta Bates Hospital in Berkeley, robbing this community — and the I80 corridor — of a full-service emergency and acute care hospital. I am an active member of the Mayor’s task force to Save Alta Bates, and I have taken a leadership role in investigating legal issues impacting the threatened closure. I took the initiative to meet with Attorney General Becerra in Sacramento to share my concerns about Sutter’s monopolistic business practices and the potentially devastating impacts of Alta Bates’ closure. The recent Anti-trust lawsuit the Attorney General filed against Sutter is a major step forward in demonstrating that Sutter is not meeting its obligation to serve the health needs of our community and that its monopolistic business practices hurt the very people that Sutter, a not for profit hospital, is entrusted to serve.

Our rallying cry on the Mayor’s Task Force is “Save it or Sell it.” As a City Councilmember, I will have a seat at the table to demand that Sutter put the public health needs of our community above profit-driven consolidation. And, if Sutter cannot or will not agree to that, I am confident another non-profit hospital will.

C. Do you support the <https://berkeleyprogressivealliance.org/about-us/> Berkeley Progressive Alliance’s mission statement and progressive agenda?

Yes No

1.) Is there anything you would add?

Yes No

What would you add? _____

2) Is there anything you would **not support**?

Yes ___ No ___

Which Items would you not support? _____

D. Will you obtain public financing for your campaign?

Yes ___ No ___

E. Do you support the candidates for Berkeley Rent Stabilization Board chosen at the Tenant Convention on April 22?

That vote has not yet occurred.

F. Whom do you support for State Assembly AD15?

I have not made my decision.

II. Housing and Displacement

A. Do you support placing a City of Berkeley **bond measure** on this November's ballot dedicated to funding below market affordable housing construction and acquisition in Berkeley?

Yes ___ No ___

B. Would you support a graduated increase in the City of Berkeley **property transfer tax** on homes with the proceeds dedicated to the Housing Trust Fund?

Yes ___ No ___

C. Do you support building below-market rate permanently affordable housing on the **North Berkeley BART** parking lot?

Yes ___ No ___

D. What proportion of any housing built there should be below market rate and at what level(s) of affordability?

Given that housing density bonuses are greater for extremely low, very low and low-income residents, I support maximizing benefits by ensuring that we build housing for residents in those income categories. The City of Berkeley has asked the planning department to review density bonuses to maximize affordable housing in our new developments and to maximize payments that can be "in lieu" of on-site affordable units to allow City to finance its own affordable housing projects. I support these efforts and believe it is the correct path forward to address the crisis. In addition, I strongly support the City partnering with Affordable Housing non-profit developers, where — unlike with market rate development — we have a shared interest in maximizing the housing available for those who are most in need of the support.

There are always constraints on the number of affordable units possible for a project to be economically viable, but where we can get 50% affordable housing, we begin to achieve the numbers we need to begin to solve the crisis we face. I also support flexibility to find the right

mix of very low, low and moderate units to increase the total affordable units possible.

Alameda County Income Limits for Income Categories (extremely low, very low, low, etc.):
<http://www.dublin.ca.gov/DocumentCenter/View/10539>

E. Do you support **land value capture**? Yes No

1) Whenever upzoning occurs, should the City ask for a share in the increase in value that results from upzoning? Yes No

Yes, I strongly believe that the City is entitled to community benefits commensurate with the benefit up-zoning gives to developers. The best practice in many cities now is 50% of the increase in value and I support that goal. The failure to address this issue was a flaw of SB827, especially in its original iteration. Even as amended, SB827 would have taken away zoning power from the cities, with a give-away to developers, at the expense of the community. I also oppose unlimited development of market rate housing without adequate assurance that we have the infra-structure to handle the increased population. That is not a plan. We need to plan our future locally and carefully, and we need to fight for the maximum community benefits possible in every new development, which includes building on-site affordable housing or affordable housing fees paid by developers.

F. Berkeley has a rich history of being a community that is economically and racially diverse. What do you think the city could do now to stop the displacement of African Americans and other people of color?

In addition to moving forward to build as much affordable housing as possible, where that housing is planned and appropriate, we need to be vigilant in ensuring that our rent control laws are honored and strengthened. We must repeal Costa-Hawkins and provide legal representation to the full extent possible to tenants facing eviction. On the Council, I will work to strengthen rental control protections to avoid displacement, and to protect against homelessness through forced eviction. As the author of the book "Evicted," Matthew Desmond has written, "Poor black men are locked up. Poor black women are locked out." Rent control and expanded tenant protections are critical to providing safe, habitable and secure housing.

G. What should the City Council do to put some teeth in code enforcement, particularly regarding residential rentals?

"Lack of enforcement leads to tenants living in substandard housing, and leads to the deterioration of rent controlled buildings, allowing the landlord to apply for a demolition permit on the grounds that it is no longer financially feasible to repair the building."

I agree completely with the statement above and believe the City is well-positioned to address this problem. The planning department has grown substantially over the last 5 years, and one of the things that we need to focus on within that department is building enforcement. We also need to make sure that we have a system in place that demands compliance following issuance of a citation with the full force of the law.

H. Do you support **SB 827**?

Yes ___ No X

“**SB 827** gives commercial property owners and developers a windfall increase in density without requiring any community benefit in return and without adequate protections against demolition of existing housing. SB 827 would allow construction of 7 story buildings (55’ plus a 35% density bonus) on residential streets in much of South, Central and West Berkeley, with even greater height allowed on commercial corridors (85’ plus a 35% density bonus). It would have little impact on the hills.”

I am aware that SB827 was amended to address some of the issues discussed in the statement above, but I did not support the bill in its original or amended form for the reasons discussed above.

I. Do you think 7-story buildings should be permitted in areas zoned R-1, R-2, R-2A and R-3?

Yes ___ No X

Latest version of SB 827 can be found here:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB827

J. What should the City do to support limited equity cooperative housing in Berkeley?

I support this idea, and I understand that limited equity cooperative housing has worked in other cities. I am also aware that Councilmember Kate Harrison has proposed that the City allocate funds as seed money to get such a project off the ground. I appreciate Councilmember Harrison’s efforts to take a leadership role on the affordability crisis and this is a great example of the need we all have to “think outside the box” regarding alternate living arrangements.

I support zoning that allows ADUs and secondary structures to be built on residential parcels (with minimal disruption to neighbors and appropriate placement on the parcel), and I understand zoning that transitions from higher to lower density with appropriate setbacks has been successful in other cities. I am also a strong proponent of building tiny houses, and other pre-fab, permanent housing for the homeless.

III. Health Care

A. Do you oppose Sutter Health’s plans to close **Alta Bates**?

Yes X No ___

B. What would you do to ensure that Berkeley has a full-service hospital and emergency room located nearby for the long term?

I have been actively and passionately involved in the effort to Save Alta Bates. I am working at the grass roots level as a community activist, knocking on doors and attending Neighborhood Association meetings to educate and engage the community. Working side by side with the California Nurses Association, I have opened my house for organizing, and I was a key member of the sub-committee that organized the recent, well-attended Community Forum at the Ed Roberts Campus. At the policy level, I have been involved in efforts within the Mayor’s Task Force to explore various issues related to preventing the closure, and as a City

Council member, I will be able to assume a greater leadership role to work with the State and other East Bay cities to exert governmental pressure on Sutter.

I will closely follow the Attorney General's anti-trust lawsuit against Sutter, and I applaud the State's effort to prevent the profit-driven consolidation that is at the heart of Sutter's threat to close Alta Bates in Berkeley. I support looking at zoning and eminent domain as legal means to stop the closure and would also support exploring a joint powers resolution to strengthen the power of our cities to ensure that our communities do not lose critical health care services.

C. Do you support enacting single-payer healthcare in California? Yes No

IV. Addressing Climate Change

Background: Berkeley's Climate Action Plan found that natural gas and electricity used by buildings accounted for 53% of greenhouse gas emissions in Berkeley, while gasoline and diesel burning vehicles accounted for 47%.

A. Do you support the California Energy Efficiency Strategic Plan goal that "All new residential construction will be zero net energy (ZNE) by 2020"? Yes No
(see <https://www.capath2zne.org>)

B. Should Berkeley require ZNE in new residential construction beginning in 2020? Yes No

C. What should the City Council do to encourage use of alternative modes of transportation?

The more we can improve our transportation infra-structure, the more people will use it. Right now, we cannot easily travel on BART to and from SF and the East Bay at rush hour due to over-crowding. I have personally waited for several trains to go by before being able to get on a train from SF to Berkeley at 5:00 pm. This is unacceptable, but it is not a City of Berkeley problem. We cannot solve the region's infra-structure unless we work regionally.

There is no doubt that we have to think of ways to get individuals out of their cars (bringing back street car lines for example), and we have to plan with the recognition that in the near future the way we travel – driverless cars, for instance – will change dramatically.

D. Should the City establish a system of shuttles connecting different neighborhoods and commercial areas? Yes No

1) If so, how could this be funded?

I support the use of shuttles, and one particular transportation improvement that is critical to tackle is our rush hour traffic congestion. We need to improve our ability to move people into and out of Berkeley, including to and from UC, and this is an area where the expanded use of shuttles is particularly appropriate, with funding by UC.

E. Should the City replace its fossil-fuel powered vehicles with electric vehicle?

Yes No

V. Police and Community

A. Do you support the Berkeley Community United for Police Oversight charter amendment to create a new Police Commission Yes No

Why or Why Not?

Police accountability is vital to ensuring that we have a fair, well-trained police force that treats every citizen equally. Racial profiling is real, and racial bias exists in all parts of our society. The key to confronting this prevalent national problem within the context of policing is to not only have an independent Police Review Commission or Accountability Board, but to focus on reforming the way we train our police officers. Police officers should be trained to de-escalate volatile, highly charged situations, and I support reforming police training policies that avoid the use of deadly force, even in those circumstances where a "criminal" may not be captured. In the latest instance of an unarmed black man being killed in a police confrontation, Stephon Clark was thought to have been breaking car windows. This is not a situation where police should have feared for their lives in attempting to stop a crime.

In addition to making critical reforms to policing and training, we also need to make sure that those who oversee our police force are highly qualified to undertake that role. For that reason, I would not support amending the City Charter to immediately, and without any study, impose an entirely new regulatory body over the Berkeley Police Force, with no assurance that those who would assume control would be qualified or would themselves be held accountable.

Text of proposed charter amendment, item 27 on the March 27 Council agenda, can be found here: https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/City_Council_03-27-2018_-_Regular_Meeting_Agenda.aspx

B. Do you support the recommendations in the Police Review Commission Report **To Achieve Fairness and Impartiality**, including those related to data collection and analysis, racial disparities and body cameras?

I have been an Alternate Commissioner on the Police Review Board on several occasions and know that the Commissioners on the Board are thoughtful, hardworking and dedicated to ensuring that we have the best, most impartial police force possible. I support their efforts to work toward this goal through data collection and analysis. We can only achieve fairness and impartiality by collecting and studying data, and that analysis must be done in a comprehensive and objective manner. I support using third party analysts with recognized expertise to perform these assessments and to focus our review directly on Berkeley, allowing us to tailor whatever reforms are necessary to our particular Police Department. I also support the use of body cameras.

Text of Report, item 26 on the Council agenda, can be found here: https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/City_Council_03-13-2018_-_Regular_Meeting_Agenda.aspx

VI. Homelessness

A. Would you support a \$5M parcel tax for homeless services including shelters, navigation center and rapid rehousing? Yes No

B. How should the City Council respond to encampments of homeless people?

I support the efforts of Mayor Arreguin and Councilmember Sophie Hahn who have taken a leadership role on this issue and will shortly be instituting the Pathways project. There is no simple solution to the homelessness problem, otherwise we would have solved the problem long ago. But we all know that we have to do something that shows vision and moves us forward, and for that reason I support the approach of the Pathways project. We need to break the cycle of homelessness so that we not only shelter the homeless (although that is critically important) but find permanent housing solutions meeting each individual homeless person where they are — with coordinated, individualized services.

Right now, homeless encampments are a necessity for people with nowhere else to go, and people living in these conditions must be treated with dignity and provided basic services. Housing is a human right, and I support a “housing first” approach — which recognizes that we all need the dignity of being sheltered in stable, permanent housing as a first step. I support the efforts of the City of San Francisco and Oakland to build permanent, small, basic (tiny) housing for the homeless, and I support Berkeley’s efforts to move forward with this model as well — notwithstanding (and recognizing) our more limited land options.

To protect against homelessness, I support increasing the legal and social services Berkeley provides to keep our residents and families from being evicted. Landlords are legally represented in eviction proceedings and tenants should be as well. Judges should understand why a tenant cannot pay rent, and eviction should be a last resort. We also need to expand our housing voucher assistance to give the working poor the ability to pay rent without living in a constant state of being one pay check, injury or crisis away from being homeless.