

The Bayview neighborhood has one of the highest rates of power shutoffs in The City, according to data from PG&E. (Courtesy photo)

Report finds disparities in PG&E power shutoffs among SF customers Bayview-Hunters Point has highest rate of PG&E disconnections for nonpayment

Joshua Sabatini - Nov. 17, 2019 5:00 p.m.

Pacific Gas & Electric shuts off the power to about 15,000 customers in San Francisco for nonpayment annually, disproportionately impacting neighborhoods where more people of color live, new data shows.

The disconnects are particularly concerning for a city that has prioritized equity under Mayor London Breed, such as through The City's budget process.

The data was presented Friday to the Local Agency Formation Commission, which includes members of the Board of Supervisors, by a graduate student who conducted an equity report related to CleanPowerSF, The City's renewable energy program.

"Every year there are roughly 15,000 accounts that are disconnected," said Winston Parsons, a graduate student in the University of San Francisco's Urban and Public Affairs program. "More people are impacted than that because many accounts have more than one person in a household."

The data, which was provided by PG&E upon request for the years 2016 through 2018, shows the rates for power shut-offs by zip code. The highest rates for shutting off the power for nonpayment occur in parts of San Francisco with larger populations of people of color.

In the Bayview, the shutoff rate was the highest at 9.4 percent with 982 customer disconnections out of a total of 10,483 accounts.

"The disconnection rate in 94124 (Bayview-Hunters Point) from 2016-2018 was roughly two times that in 94121 (Outer Richmond) and three-and-a-half times as high as in 94127 (West Portal/St. Francis Woods)," said Parsons' report titled "Advancing Equity and Community Investment in CleanPowerSF."

The report also looked at the disparities that exist for low-income customers receiving discounted rates of up to 35 percent through the California Alternate Rates for Energy program. To qualify for the CARE program a household of two couldn't earn more than \$33,820 and a household of four no more than \$51,500.

"Nearly half of disconnections in 94124 – the Bayview-Hunters Point – are among CARE customers, a far higher proportion than any other district, followed only by 94134 – Visitacion Valley/Portola, 94112 – Crocker-Amazon/Sunnyside, and several ZIP codes in the SOMA area," the report said. "These ZIP codes also have some of the highest percentages each of low-income, rent-burdened, single-parent, and African American and Hispanic households in San Francisco."

"There are very real negative impacts from a power disconnection. A household without power will likely go without heating, lighting, refrigeration," Parsons said. "And they might turn to solutions that increase the risk of fires."

LAFCO chair Supervisor Sandra Fewer, who recently helped establish a new Office of Racial Equity, said that she hadn't thought of power shut-offs as an equity issue before but that "these are the nuances that we actually don't think about."

"This is very concerning," Fewer said.

Parsons said that "as far as we can tell, it is the first time this data specific to San Francisco has been made publicly available."

He said that they have received additional requested data from PG&E that they have yet to analyze that will show how long it took these accounts to have their power turned back on.

"Many of these accounts have their power turned back on after 24 hours and we wanted to see if there were disparities in how long people were able to turn their power back on," Parsons said. "I am willing to bet that we will see a similar trend."

The report recommends The City set goals to reduce power shut-offs.

Under state law for community choice aggregations, PG&E is responsible for the billing and shut-offs for the more than 400,000 customers enrolled in The City's CleanPowerSF program, which provides electricity from more renewable sources than PG&E while using PG&E's infrastructure.

The City could do more to outreach to customers or assist them using their CleanPowerSF program, such as with rebates or debt forgiveness, the report suggests.

The report also recommends advocating the California Public Utilities Commission expand prohibitions for shutting off the power to include households with children under 12 months of age.

Another issue identified is the need to simplify customer noticing when a bill goes unpaid. The notification process, the report said, is "quite convoluted and confusing for staff and customers alike, with customers getting a variety of different notices from CleanPowerSF and PG&E separately at different points."

The report also said that the subsidized rate programs like CARE have qualifying income levels that don't reflect the high cost-of-living in San Francisco and that the CPUC should set a different level for San Francisco.

"A basic energy equity question we have to grapple with is: Can people reasonably afford their energy?" Parsons said.

The New Yorker

The Plight of the Urban Planner

For decades, planners have been called evil or obsolete. A housing crisis might offer a chance at redemption.

By [Nikil Saval](#)

November 20, 2019



“Capital City,” a recent book by the geographer Samuel Stein, argues that the country’s affordable-housing dilemma derives from an unholy fusion of development and politics. Illustration by Roberts Rurans

In 2018, Scott Wiener, a California state senator representing San Francisco, introduced a co-authored bill that detonated a debate over housing. The aim of Senate Bill 827 was to override local regulations on building height in order to allow denser, high-rise construction near transit hubs. At once radical and simple, its target was nothing more, and nothing less, than zoning—the most common American way to control land use. Zoning determines whether a building is commercial or residential, how big it can get, whether it’s a single-family home or a high-rise tower. Though zoning is a legislative act, it is sometimes influenced by the efforts of a handful of well-connected people at a neighborhood association, or sometimes by a single, well-connected member of a zoning board. S.B. 827 would have overridden many such rules and made it easier to build. The bill derived its intellectual force from a growing consensus among economists that rising rents and housing prices in California—a state in which the median home price is more

than twice the national average, and in which more than twenty per cent of residents spend more than half their income on housing—are due to a dearth of multifamily housing and to the cumulative effect of zoning rules that stopped that housing from being built.

S.B. 827 elicited heated arguments, along with a few bizarre political coalitions. In supporting the bill, housing advocates found themselves allied with wealthy developers. Meanwhile, in opposing it, anti-gentrification activists found themselves allied with rich homeowners from places like Beverly Hills. A portion of the anti-S.B. 827 crowd simply didn't want to change their neighborhood's "character"—often a racialized code word—but many others came from multiracial working-class neighborhoods, and, for them, the bill was essentially a gift to developers, who would take the opportunity to build market-rate housing and augment ongoing gentrification. In the end, the opposition won out—the San Francisco Board of Supervisors and the Los Angeles City Council both voted against endorsing it—and, despite late-breaking attempts to include anti-displacement measures, the bill failed to make it out of committee, losing 6–4. Of the votes in its favor, only two were from Democrats, Wiener and his co-author—further proof that the housing debate involves some strange bedfellows.

S.B. 827 nonetheless has spurred a more substantial conversation about zoning reform, of all things, than any urbanist could have predicted. Unfortunately, much of this conversation has taken place online, meaning that it's resembled people screaming past one another and then shrinking into two opposing crags of congealed vitriol. On one side are the *YIMBYs*—the acronym stands for "Yes, in my back yard"—who believe that prices are too high because of market distortions that limit the amount of housing people actually want and need. For them, the solution is to increase market-rate housing, which, over time, will result in a reduction in prices and rents. Opponents of *YIMBYs*—often called "*NIMBYs*," meaning "Not in my back yard" (as a term of opprobrium, it of course predates *YIMBY*)—have a variety of rejoinders to this argument, but they center on the idea that building market-rate housing will never deliver the amount of housing that people need, at prices they can afford. Furthermore, they argue that the immediate effect of introducing such housing is gentrification and displacement. It is at this point that the argument devolves into accusations that the *YIMBYs* are tools of rich, white real-estate developers, and that the *NIMBYs* are tools of rich, white homeowners, and the space in between these two positions is quickly converted into a muddy field, where no one dares show a white flag.

The particular airlessness of this debate is only partly due to its growth in the complexity-free vacuum of the Internet. The more significant constriction is that it is an argument that takes place almost entirely according to the terms of real-estate development. In a recent book, "[Capital City](#)," the geographer Samuel Stein puts this debate into context, and adds to it. He argues that our housing dilemma derives from an unholy fusion of development and politics, which he calls "the real estate state." Stein, a geographer at the City University of New York, tries to establish how industrial cities, in becoming postindustrial, opened the way for real estate to enter the breach. "Landowners have been determining the shape of cities for centuries, and the idea of housing as a commodity—even as a financial asset—is not exactly state of the art," Stein writes. "What is relatively new, however, is the outsized power of real estate interests within the capitalist state." Deriving his insights from left-wing geographers and urban historians, and also from interviews with activists in New York City, he alternates a panoptic view with one that

looks more closely, from the ground up, at what reckless development does to lives and livelihoods.

But Stein's special aim is not just to show how real estate controls everything, which, if you were halfway paying attention during the financial crisis—rooted as it was in the predations of housing markets—you already know. His principal point is that the power of the real-estate state flows from the dynamic between development and the profession of city planning. Planners are usually thought of as bureaucrats, though sometimes they take on the aspect of legend: Baron Georges-Eugène Haussmann, who tamed rebellious Paris into wide avenues that couldn't be barricaded; imperious Robert Moses, who pummelled New York with expressways. Stein's planners are at once lesser and greater than these. Though they may look like mousy cubicle denizens—determining the right sort of window treatment for a historic house, or calculating the Area Median Income for a smattering of affordable units in a luxury building—they're more influential than they appear. Planners, he writes, “are tasked with the contradictory goals of inflating real estate values while safeguarding residents' best interests.” The position is an inherently uncomfortable one. But planning holds out the promise that the future is, at least in part, knowable. Explicit in Stein's narrative is the idea that a different, more democratic kind of planning might lead us to more democratic kinds of cities.

Like many professions with a broad, metaphorically resonant name, planning has a history that can be dated back centuries. In the Americas, planners domesticated forests, dammed rivers, laid out grids. But city planning as we know it today arose in the late nineteenth century, as a response to the growing chaos of industrial life. At first, the profession was meant to ameliorate conditions of congestion, sanitation, and shoddy construction, especially where they intersected with the lives of workers and the urban poor. Benjamin Marsh, the first secretary of the New York City Committee on Congestion of Population (CCP), was one of the twentieth century's most energetic thinkers on planning. He decried tenements and sweatshops, pushed for government control of factory-owned land, and advocated for a progressive tax on land values to help fund the social needs of workers. Marsh's proposals, like those of many planners, were essentially based on the hope that the rich could be shamed into supporting the poor. This was a gambit that, in time, left planners frustrated and power imbalances intact.

Marsh and figures like him embody what Stein, following the historian Richard Foglesong, describes as a twinned set of contradictions in planning. Developers need planners, but a conflict arises when the former look to the latter for interventions in public space. “They demand that the state build the infrastructure that makes their land usable,” Stein writes of developers. At the same time, they are “fiercely protective of their property rights” and suspicious of planning insofar as it threatens their control over land. Planners, in turn, are agents of the public, but they are beholden to developers, in practice. Democratic societies require at least a display of public input, but often only a display: “planners must proceed with enough openness and transparency to maintain public legitimacy, while ensuring that capital retains ultimate control over the processes' parameters.” From this comes the charade of public-comment sessions, familiar to most active city dwellers, in which so-called stakeholders are invited to discuss development plans, whose basic outlines they have little chance of influencing.

Similarly, planners who want to assert broad control over the public realm are often dependent on recalcitrant businessmen, who are unlikely to give them the full measure of what they might want to achieve, since planning often involves the creation of public infrastructure that requires business to get out of the way. Much of what does get achieved requires catastrophic, violent interventions in the lives of the very people that planners are trying to help. The land for Central Park, the “green lung” of New York and one of the greatest parks in the world, was secured by expelling Manhattan’s largest African-American settlement. The construction of most public housing required the resettlement of thousands of households, often those of working class African-Americans, in the destructive process known as urban renewal. (Urban renewal, James Baldwin said, in an interview, really “means Negro removal.”)

Urban renewal accompanied broader convulsions in American cities, during which much industry fled—to barely unionized Southern states and abroad, for cheaper wages—or was deliberately pushed out. Stein follows Robert Fitch’s underrated, impassioned book “[The Assassination of New York](#)” in detailing how many planners dreamed of replacing the city’s industrial areas with office towers, and, in the sixties and seventies, through large-scale changes in zoning, succeeded, transforming the city from blue-collar to white-collar. At the same time, the practice of “redlining,” in which the Home Owners’ Loan Corporation (*HOLC*), a New Deal agency, marked diverse neighborhoods as being unworthy of credit, and hardened urban segregation and poverty. In the eighties, the United States began to cut public assistance to cities, leaving more and more power in the hands of private developers.

This history sets up Stein’s main story, which is about the contemporary high-priced city of gentrification and displacement. Mercifully, his analysis does not mention hipsters, artisanal stationery stores, or CBD lattes. Instead, he discusses how planners have once again played a central role in scaling up gentrification “from a neighborhood phenomenon of renovation and reinvention to a larger process of displacement, demolition and development.” A miasma of guilt and misunderstanding surrounds discussions of gentrification. The usual story—of upwardly mobile people moving into depressed areas and displacing existing, less well-off residents in the process—is at least partly true. But, as geographers have pointed out for some time, it also requires disinvestment: neighborhoods decline, in part, because of state neglect, and yuppies rush in where planners fear to tread. This is how the familiar story of places such as SoHo, in lower Manhattan, and Park Slope, in Brooklyn, begins. Those neighborhoods were abandoned by the government before they were occupied by new residents.

Similarly, the past three decades have been characterized by hyper-gentrification, which is a largely legislative phenomenon, the work of planners and policymakers—not simply an ineluctable market signal that is sent when someone opens a vegan doughnut shop. Stein details the number of planning-policy innovations that have made it easier for developers and large nonprofits to avoid paying billions of dollars in taxes. In 1971, the establishment of New York’s 421-a tax program gave developers abatements on luxury construction, for anywhere from ten to twenty-five years. (One of the great beneficiaries of 421-a, Stein notes, was Donald Trump, who built Trump Plaza, on the Upper East Side with a thirteen-million-dollar tax break.) In 2016, when the program was set to expire, 421-a cost New York \$1.2 billion a year. A recent revision to the law, under Governor Andrew Cuomo, brought the cost to \$2.4 billion a year. That’s about six hundred million less than the M.T.A. requested from the state to fix the ailing subway

system. These are the sorts of numbers that reveal how the real-estate state declares its priorities. As legislators made developers' lives easier, planners became the helpless accomplices of urban inequality.

Jane Jacobs's "[The Death and Life of Great American Cities](#)," an indictment of American city planning, appeared in 1961; Robert A. Caro's "[The Power Broker](#)," an indictment of an American city planner, appeared in 1974. In the years between their publication—and partly owing to their arguments—planning lost whatever was left of its swashbuckling air, and was increasingly seen as a clumsy, illegitimate, even villainous profession, its members casually carving their utopian visions into the fabric of complex, heterogeneous cities.

When planning lost its revolutionary élan, it also lost its sense of ambition. Many mid-century planners, for all their missteps, tried to engineer a more equal city. As planning lost its power, an impressive variety of inequities crept into policymaking. Zoning emerged as the most important tool of increasingly powerful neighborhood groups that sought to limit racial integration, protect the "character" of existing neighborhoods, and encourage the early stages of gentrification. As the think-tank scholar Richard Rothstein outlined in "[The Color of Law](#)," from 2017, zoning has always been exclusionary, especially in keeping black families out of certain neighborhoods. In 1910, Baltimore tried to institute zoning on explicitly racial lines, before the Supreme Court struck down the practice. But zoning on implicitly racial lines has persisted because of Americans' preference for single-family housing over apartment buildings—multifamily housing was associated with poorer renters of color. New York's 1961 zoning law, for example, protected a number of mostly single-family-housing districts in Queens, the Bronx, and South Brooklyn—the archetypal urban villages depicted in shows like "All in the Family" and films like "Saturday Night Fever"—and helped prevent renters of color from joining their mostly white residents.

Contemporary planners, stripped even further of power, have proposed only meager remedies for such inequality. One attempt has been inclusionary zoning, which allows developers to exceed zoning restrictions and receive subsidies if they commit to making a portion of their apartments "affordable" for a certain period of time. In response to New York City's luxury-development boom, Mayor Bill de Blasio made inclusionary zoning mandatory. Even so, the mandate has a number of fatal loopholes, which allow developers to skirt the requirements, and the income threshold still excludes most black and Latinx New Yorkers. Another problem with de Blasio's plan may be its premise. For it to succeed, the plan needs to "marshal a multitude of rich people into places that are already experiencing gentrification," as Stein writes—exactly the sort of effect that activists feared with regard to S.B. 827. Though it would potentially satisfy only three per cent of the need for affordable housing units in New York, it could add a hundred thousand market-rate apartments to the city's neighborhoods.

According to ultra-YIMBY reasoning, the addition of these apartments might not be a problem, since housing markets are, like other markets, subject to supply and demand. But, as the author Rick Jacobus recently argued in the magazine *Shelterforce*, the housing market is segmented, better understood "as a set of interrelated submarkets that can move somewhat independently than as a single market." For example, rent for student housing may roughly follow the laws of supply and demand, but, in general, its cost isn't eased by building a lot of housing—what

matters is the supply of student housing and the demand from students. By the same token, upzoning that allows for more affordable housing to be built has effects on existing affordable housing. “When planners upzone neighborhoods to allow bigger buildings, rent-stabilized landlords will have every reason to sell their properties to speculative developers, who could then knock down the existing properties and build something bigger and more expensive,” Stein writes. The long-term effect of a housing boom may be a housing bust—but, in the meantime, all sorts of pain may be inflicted on existing residents.

There are other reasons to be cautious. Historically, attempts to remedy segregation through the real-estate market have often ended up increasing it. In a groundbreaking new book, “[Race for Profit](#),” Keeanga-Yamahtta Taylor, a professor of African-American studies at Princeton, shows how the post-urban renewal-planning regime came to rely heavily on the real-estate industry. New forms of subsidized loans were, in her phrasing, a form of “predatory inclusion,” trapping black homeowners in substandard housing, while developers continued to reap dividends. Her analysis covers a specific period in time, and a particular kind of housing market, but its conclusion is general and damning: the American real-estate market was founded on racism and still depends on it. White *NIMBYs* have kept multifamily buildings out of wealthier neighborhoods, in no small part to keep those neighborhoods racially homogeneous, and it is doubtful that real-estate developers can solve this historic inequity.

Though Stein supports efforts that would increase housing construction in wealthy areas, he is clear that these policies need to be part of a broader program. In a recent article for *Jacobin*, he argues that there is a general “overreliance on zoning,” which is, in any case, “a tool ill-equipped to confront the private land and property markets.” The solution, therefore, “is a popular movement for anticapitalist urban planning and the decommodification of land and housing.” In other words, having a market for housing is itself the problem. And a return to large-scale planning is the answer.

Stein is one of a number of voices, some of them newly ensconced in state legislatures, pursuing what he calls “classic methods.” One of these methods is rent control. For decades, rent control has served as a case study in what not to do in housing in the U.S., though it remains a normal feature of housing markets in Austria and other countries. But, in the past few years, it has made something of a comeback; Oregon and California both recently passed statewide caps on rent increases.

In classical economics, caps on rent increases were believed to limit the incentives to build new housing. If that were true, one policy solution would be to exempt new construction from controls for a certain period of time. A more significant solution would be for the state to intervene where the market fails—that is, to build public housing. Public housing is another curse word in the American context, though less for the economics of it—there is no more obvious solution to the rise in prices than to take some units permanently off the market—than for its sorry denouement in the country’s history. The United States committed to a sweeping expansion in spending for public housing with the landmark Housing Act of 1949, and then proceeded to build fewer units than were promised, and dedicated little to maintenance following building. Many condemned American housing projects for their forbidding scale and design flaws and, even more so, for the racial segregation they created—by the mid-nineties, forty-eight

per cent of public-housing residents were black, as opposed to nineteen per cent in the private-rental market. And, since the nineteen-seventies, several measures—including President Richard Nixon’s moratorium on public housing, the rise of Section 8 vouchers, and the *HOPE VI* program, under which housing towers were demolished and replaced—have steadily eroded Americans’ support for public housing. The result is a country in which millions of eligible people have lost access to subsidized housing, and in which the existing public-housing complexes are suffering from severe infrastructural neglect.

Decades of a housing crisis, accompanied by decades of organizing and activism, have finally led to revaluations of public housing and regional planning. A policy team led by the tenants’-rights activist Tara Raghuvver recently produced a proposal for a “Homes Guarantee”—a marquee plan that proposes the construction of twelve million new, permanently affordable homes as “social housing.” Meanwhile, the law professor Mehrsa Baradaran, who has advised Senator Elizabeth Warren, has called for a twenty-first-century Homestead Act, under which a public trust would be tasked with purchasing distressed or abandoned homes in historically redlined areas—a form of direct capital investment with the aim of remedying the racial wealth gap. Both are serious proposals that have the potential to shift power away from developers and toward the people historically excluded from the housing market. To be achieved, both need the backing of enormous social movements. They could also resurrect large-scale planning, conceived on a freshly democratic basis, as a profession of consequence. The planner, after decades of irrelevance, or worse, might yet be a figure of note—and perhaps, in a time of crisis, one of purpose.

East Bay Times

California is approving more housing permits

The increase in multi-family building permits is especially significant

By [Emily DeRuy](#) | ederuy@bayareanewsgroup.com | Bay Area News Group

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After months of limited and in some cases nonexistent growth, California saw a sharp rise in the number of building permits for new homes in September.

According to [new figures](#) released this week by the state's Department of Finance, approval of housing permits surged nearly 22 percent from August to September, a more than 41 percent increase from last year.

The numbers may signal some good news for Gov. Gavin Newsom, who promised repeatedly to lead an effort to [develop 3.5 million homes](#) in the Golden State by 2025 to tackle a pressing housing crisis. But while the 142,000 total housing units authorized in September is a significant uptick from 116,000 in August, it's just a fraction of what will be needed to meet Newsom's goal.

"It's good news as far as having more housing available for our folks, but I would say that a single uptick is not a trend yet," said David Bini, executive director of the Santa Clara & San Benito Counties Building & Construction Trades Council.

Erik Schoennauer, a land use consultant in the South Bay, is also skeptical.

"I have little optimism that things are going to improve," he said. "I think we will struggle even to get back to historical norms, never mind make up for the deficit we're in."

The growth was driven by a 47 percent increase in permits for multi-family units. Permits for single-family units actually fell by around 2 percent in September. And despite the encouraging numbers in September, the overall average for the first three quarters of 2019 is 111,000 housing units — bogged down by low numbers early in the year — compared to 122,000 for the same timeframe in 2018.

"The trend is toward multifamily for a couple of reasons," Bini said. "We're out of space...and it's a cost factor as well. Multi-family homes are going to be more within reach for the average family relative to a single-family home."

That's especially true in the Bay Area, he added.

“There’s just no room to grow out anymore in this area,” Bini said.

Schoennauer agreed that most developers are looking at multi-family projects in the region. But, he said, he’s concerned that cities aren’t issuing enough permits and that the number of permits in San Jose, where he does a significant amount of work, seems to be trending downward in 2019, not upward.

High construction and land costs, along with city fees and regulations, make getting developments off the ground difficult, he said.

“It’s very hard,” Schoennauer said, “to make projects pencil.”

East Bay Times

Is California's most controversial new housing production law working?

SB 35 is a boon for affordable housing developers. Others, not so much

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Time was running out for All Souls Episcopal Parish.

The congregation had spent months on its plan to build an apartment building for low-income seniors on its property in Berkeley, but all that work threatened to unravel late last year when a group of neighbors appealed a key zoning approval. With just a month to go until a major funding deadline — and \$5 million at stake — the church couldn't afford to wait out the appeal.

Instead, All Souls invoked a new and controversial state housing law — Senate Bill 35 — that put its project on the fast-track and allowed it to bypass hurdles like zoning appeals. Now the 37-unit project is set to break ground in June.

“Certainly, it made a big difference,” said Phil Brochard, the rector of All Souls. “Would it have been built without SB 35? I like to believe it still would have been built. But it would have been a much longer road. It would have cost the taxpayers, the city, the state and the federal government a lot more money.”

The All Souls project is one of more than 40 around the state that have used SB 35 since the law went into effect in January 2018. The law's ambitious goal was to ease the state's chronic housing shortage, but it has sparked an outcry from some local officials upset by the state's usurping of their control. The law requires most cities to fast-track residential and mixed-use projects that meet certain affordability and other standards.

So far, California city officials have approved or are still considering more than 6,000 homes proposed under the law — including about 4,500 in the Bay Area, according to this news organization's analysis of anecdotal reports and city and county data.

The majority are subsidized units for low-income renters, including the homeless, seniors and people with disabilities — which advocates say is evidence that the law is protecting the region's most vulnerable residents. In some cities, officials are approving projects out of fear that if they don't, they'll be hit with an SB 35 application that they might like even less, but can't reject. Other communities are fighting the law, sparking multiple lawsuits.

Sen. Scott Wiener, D-San Francisco, drafted SB 35 to force reluctant cities to approve housing in a climate where residential production hasn't kept up with booming demand. Cities and counties that fail to approve enough housing (95% of California jurisdictions as of June) are subject to the law, which forces them to automatically green-light certain residential and mixed-use projects if they meet a city's zoning and planning rules.

The law also exempts those projects from the California Environmental Quality Act (CEQA) and other obstacles. That means projects that could otherwise spend years in public hearings and fighting CEQA lawsuits now must be approved in 90 to 180 days, depending on their size.

But largely missing from the equation are the types of large mixed-income and mixed-use projects that could make a sizable difference in the state's housing inventory. The vast majority of SB 35 proposals that have been approved or are under review are for fewer than 100 units, and some are as small as two or four units. Just five include office, retail or administrative space. In the Bay Area, nearly half the units in the pipeline are in one project — the massive Vallco mixed-use development in Cupertino, which is caught up in a lawsuit challenging its SB 35 eligibility. The lawsuit has yet to be resolved, and the project is moving forward.

SB 35's strict rules — requiring as much as half of a project be subsidized, low-income housing, and mandating a builder pay workers the local prevailing wage, for instance — aren't worth the added expense for many market-rate developers, said Oakland-based land-use attorney Todd Williams.

“In theory, SB 35 is an interesting and potentially effective tool, but we just haven't seen the impact yet in practice,” he said.

A bill signed into law last month — AB 1485 — seeks to change that by expanding SB 35 to include more middle-income projects.

Out of at least 44 projects proposed throughout the state under SB 35, just two have been deemed ineligible for SB 35 status — in Los Altos and Berkeley — and both decisions sparked lawsuits. Twenty-eight have been approved, and the rest are pending. (Cities have between three and six months to point out flaws that would make a project ineligible for SB 35 status). Those numbers come from an analysis of anecdotal reports confirmed by city and county planning departments, but no official, statewide count of SB 35 projects exists — so the numbers could be higher. The California Department of Housing and Community Development is working on compiling a count, but it's unclear when it will be completed.

“I think SB 35 is having the effect intended,” Wiener said. “It's streamlining projects. It's shifting the dynamic when cities consider projects. And I think it will accelerate over time. When you have a new tool, it takes a while for developers, for attorneys, for city planners, for city councils to get their head around it and be willing to use it.”

But some cities have resisted tooth and nail. Huntington Beach, for example, sued the state in January, claiming SB 35 is unconstitutional.

In San Francisco, co-living startup Starcity used SB 35 when it applied to build a 16-story residential building in the city's SoMa neighborhood.

“We were sick and tired of the lengthy process that’s required to get a meaningful amount of housing supply built,” said CEO and Co-Founder Jon Dishotsky.

After qualifying for fast-track approval under the law, Dishotsky said, his project was exempt from requirements including an environmental impact report, a shadow study, a wind study, a noise study, transportation demand management, and more. An approval process that Dishotsky said could have taken at least four years was cut to six months, and Starcity plans to break ground next year.

But the quick turnaround came with a tradeoff — about 53% of Starcity’s 270-unit project has to be rented at below-market rates to comply with both SB 35 and San Francisco’s separate affordable housing rules.

That’s a tough mandate for a company like Starcity, which unlike most affordable housing developers, doesn’t use public funding to offset the costs of subsidizing below-market housing.

“We’re sort of stuck in this place potentially where you have an amazing concept,” Dishotsky said, “that is in jeopardy of whether or not it can get built.”

Even in cities that have yet to receive a project application under the new law, SB 35 is having a noticeable impact.

“Everyone knows the developer could invoke SB 35 at any time, so that creates a strong incentive for the city to work through any issues and approve the project,” Wiener said.

That’s what happened in South San Francisco earlier this month. As the City Council considered a mixed-use development that would include 800 apartments near the city’s BART station, officials discussed compliance with several new housing laws — including the possibility that if the council rejected this project, the developer would come back with an SB 35 proposal that council members would have to approve, even if they didn’t support it.

Reluctantly, Councilman Mark Addiego pointed out that ignoring those laws would subject the city to enormous financial risk.

“I need to tell the public how demoralizing it is to sit here as your elected leader and understand that the hand is being forced,” he said. “For the most part, when it comes to housing, we are no longer in control of our own destiny.”

The council voted 4-1 to approve the project.

SB 35 is getting housing approved quickly, even if it’s not at the scale supporters would like to see, said Ray Bramson, chief impact officer for the San Jose-based nonprofit Destination: Home.

“I think it is a tremendously valuable tool,” he said. “It’s something that’s going to be slow going at first, but once cities start to adopt processes for how they’re going to accept SB 35 applications, I think we’re going to see a lot more of these coming through.”

East Bay Times

San Jose, other charter cities can't flout state housing law, appellate court finds

San Jose must abide by California Surplus Land Act, panel rules

By [Marisa Kendall](#) | mkendall@bayareanewsgroup.com | Bay Area News Group
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San Jose and 120 other charter cities must follow a state law that reserves surplus public land for affordable housing, a California appellate court has found — a ruling that could have broad implications in the ongoing battle between legislators pushing statewide housing fixes and city officials fighting to retain local control.

The Sixth District Court of Appeal found San Jose must abide by the state Surplus Land Act, which dictates that when a California municipality has land it wants to dispose of, it must offer up that property for subsidized housing affordable to low and moderate-income residents. Arguing its status as a charter city exempted San Jose from that state oversight, city officials had been abiding by their own looser version of the rule. But on Tuesday evening, the appellate court determined that will no longer fly.

“We find that the state can require a charter city to prioritize surplus city-owned land for affordable housing development and subject a charter city to restrictions in the manner of disposal of that land, because the shortage of sites available for affordable housing development is a matter of statewide concern,” Justice Eugene Premo wrote in a unanimous opinion.

San Jose City Attorney Richard Doyle was out of the office Wednesday and not immediately available to comment.

Tuesday's ruling could have broader implications for other state measures, said some housing law experts. As California's housing crisis becomes a growing concern, the legislature has ramped up efforts to force cities to produce more units. But some local officials oppose the new laws, which they say strip their ability to control what gets built in their city. While Tuesday's decision only applies to the Surplus Land Act, it still provides a roadmap to defend other state housing laws against similar challenges by charter cities, said Oakland-based land-use attorney Todd Williams.

“I think it is helpful in reinforcing the idea that it is proper for the legislature to identify the shortage of housing as an issue of statewide concern,” he said, “and to apply protective measures to all cities including charter cities.”

Charter cities like San Jose, San Francisco, Oakland and several others in the Bay Area have extra authority to govern their own municipal affairs that cities without a charter do not. According to the California Constitution, laws adopted by charter cities generally trump state laws. That led San Jose officials to argue that their local authority governs the disposition of surplus city land — not the state Surplus Land Act.

As nearly half of California's population lives in a charter city, Tuesday's ruling likely will have far-reaching implications.

The Surplus Land Act requires local agencies to offer land they no longer need to a developer that will turn it into a residential project where 25 percent of the units will be affordable housing for at least 55 years. If no such deal can be reached, the local municipality may list the land on the open market with the condition that if the land is used to build 10 or more homes, at least 15 percent of those units must be affordable.

After the Surplus Land Act was amended in 2014, San Jose adopted its own policy that also reserved excess land for affordable housing, but differed from the state law in several key ways. Among those differences, the San Jose policy allowed the City Council to exempt certain properties from the rules on a case-by-case basis, and allowed developers to list "affordable" for-sale units at higher prices than the state law. In addition, land that would be turned into high-rise rental developments in downtown San Jose was exempt from the affordability requirements for five years.

In 2016, affordable housing nonprofits Urban Habitat Program and Housing California, as well as low-income San Jose residents Sarah Anderson and Joana Cruz, [sued the city in Santa Clara County Superior Court](#), claiming the policy flouted state law and would result in a reduction of available affordable housing. The judge sided with the city. The nonprofits, Anderson and Cruz appealed.

The League of California Cities weighed in on the appellate case, arguing for local control.

"The League does not dispute that affordable housing is an important concern," the league wrote in a brief filed with the court. "But that does not justify denying the City its constitutional home rule authority regarding how that concern should be addressed in connection with the City's sale of its own surplus property."

On Tuesday, the appellate court overturned the lower court's ruling. The justices found that because the shortage of affordable housing impacts the entire state, the California law trumps San Jose's policy.

Dylan Casey, executive director of the California Renters Legal Advocacy and Education Fund (CaRLA), which filed a similar lawsuit against the city of San Mateo last year, called Tuesday's ruling "a really big deal."

After the San Mateo City Council denied a developer's proposal to build 10 homes on W. Santa Inez Avenue, CaRLA sued, claiming the city had to approve the project under the state Housing

Accountability Act. Earlier this month, a San Mateo County Superior Court judge sided with the city, ruling because San Mateo is a charter city, it has the authority to approve or deny the housing project — and the state act is unenforceable.

Casey and his team have requested a new trial. If the request is denied, they will consider appealing the original ruling. Tuesday’s opinion could help sway them toward appealing, Casey said.

“The ruling really supports our position about the HAA, I think,” he said, “and supports the idea that housing is very clearly a matter of statewide concern.”

Marisa Kendall covers housing for the Bay Area News Group, focusing on the impact local companies have on housing availability in the region. She's also written about technology startups and venture capital for BANG, and covered courts for The Recorder in San Francisco. She started her career as a crime reporter for The News-Press in Southwest Florida.

East Bay Times

Judge rules developer's initiative for 1,000-plus homes in Antioch is invalid

Judge said agreement could not be severed from initiative, invalidating the entire document



Judge rules developer's initiative for 1,000-plus homes in Antioch is invalid

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | jprieve@bayareanewsgroup.com | Bay Area News Group

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A judge has invalidated a developer-backed ballot initiative that would have allowed Richland Communities to build more than a thousand homes in southern Antioch's Sand Creek Focus Area.

In the 23-page ruling, Contra Costa Superior Court Judge Edward G. Weil stated last week that "the entire Richland Initiative is invalid" because a development agreement he earlier had determined was illegal could not be severed from it.

The ruling stemmed from lawsuits that developers Oak Hill Partners and Zeka Ranch filed against the city of Antioch and Richland Communities. The plaintiffs alleged that they were restricted from doing any large-scale development when the city adopted Richland's West Sand Creek Open Space Protection initiative in July 2018.

Richland Communities did not return calls for comment.

Zeka Ranch's president hailed the court ruling.

"We are grateful for the court's ruling, as we have been discussing the development of our Antioch property with the city for decades," Louisa Z. Kao, president of the Zeka Group, wrote in an email. "This ruling clears a path for Zeka Group to move forward with our balanced, environmentally sensitive development that will provide badly needed housing for Antioch as envisioned by the General Plan and twice approved by the voters."

Judge Weil ruled in August that a development agreement embedded in the initiative is invalid.

Andrew A. Bassak, who represents Zeka Ranch, said that until a recent court of appeal case, voter initiatives with embedded development agreements were "a common way for developers to obtain project approvals with fewer regulatory hurdles."

In his final ruling, Weil considered whether the initiative would have been adopted without the development agreement, which included a slew of community benefits such as \$1.2 million for Deer Valley High School facility improvements, fees for police services, land for a new fire station and an East Bay Regional Park District trailhead.

The judge found that there was no guarantee that a different developer would agree to the same community benefits or devote as much of its land to open space and parks.

"The totality of the evidence persuades the court that the Richland Initiative was a package deal, with the city agreeing to certain General Plan and municipal code amendments in exchange for the benefits specified in the development agreement, and the City Council would not have adopted the Richland initiative if they would have known the development agreement would have to be severed," Weil wrote.

Earlier, Kao had criticized Richland Communities, a backer of the West Sand Creek Open Space Protection initiative, for "putting a green belt out to the west to make it impossible to develop" while allowing its 1,177-home community, dubbed The Ranch, to move forward. Zeka had planned — though it didn't complete an application — to build 340 executive-style homes on its 640-acre Zeka Ranch property on Old Empire Mine Road at the west end of the Sand Creek Focus Area.

The West Sand Creek Open Space Protection initiative would have zoned 1,244 acres west of Deer Valley Road as rural residential, agriculture and open space, with the remaining land — approximately 608 acres — available for construction, allowing only limited development for Oak Hill, which owns some 419 acres in the area.

Another related voter initiative, dubbed Let Antioch Voters Decide, would have permitted only rural high-acreage development in the Sand Creek Focus Area. It would have designated 1,850 acres west of Deer Valley Road as rural-residential, agricultural and open space and required voter approval for more intensive development.

But in August, the same court ruled the Let Antioch Voters Decide initiative was invalid because the City Council did not have the authority to adopt it. Rather, the judge said the city must put the voter initiative on the 2020 ballot.

Derek Cole, who represents the city, said it has appealed the ruling.

“The city’s position is that the City Council lawfully approved the Let Voters Decide initiative,” he said, while noting it is still evaluating whether to appeal the latest ruling on the other West Sand Creek initiative.

“The city’s position is that the two initiatives can co-exist,” Cole said.

Los Angeles Times

California should take over PG&E and possibly other utilities, former top regulator says

By [James Rainey](#), [Joseph Serna](#)

Dec. 2, 2019

Following a string of utility-sparked wildfires that have killed scores of Californians and destroyed billions in property, the former top regulator of California's electric grid says it's time for sweeping change — a public takeover of Pacific Gas & Electric and possibly other private utilities, which would be transformed into a state power company.

Loretta M. Lynch, former president of the California Public Utilities Commission, said she was fed up with a system that failed to hold giant investor-owned utilities accountable for massive wildfires and sprawling blackouts.

“I think the only way to effectively protect all California families and businesses is to create a statewide power company that is state owned,” Lynch said in an interview.

That stance is a step beyond what many public officials, including Gov. Gavin Newsom, have been willing to publicly consider. Newsom has threatened a public takeover of PG&E, the state's largest utility, if the company doesn't quickly emerge from bankruptcy with a plan more focused on safety and reliability. He has stopped short of discussing a unified public power authority, though he has appointed a team of energy advisors to review all options.

Lynch said a public takeover of PG&E was a good place to start wresting power delivery from private hands. She said her five-year tenure at the utilities commission and intensive academic study had persuaded her that “public power is generally cheaper, safer, cleaner — with some exceptions — and more reliable.”

The state has the legal power, and leverage, to take over PG&E, Lynch said, particularly given the utility's bankruptcy filing earlier this year and the behemoth's obligation to follow the directives of a federal judge after its criminal conviction in a 2010 gas line explosion that killed eight in San Bruno, Calif. “The only thing that's lacking now,” Lynch said of a takeover, “is the political will to do it.”

Public officials including Democratic state Sens. Jerry Hill of San Mateo and Scott Wiener of San Francisco have been talking about a public takeover of PG&E, a move supported by other lawmakers, such as U.S. Rep. Ro Khanna (D-Fremont.)

But there has not been a significant public discussion of shifting the rest of the statewide grid into public hands, in part because of the hurdles and costs involved. Those became apparent when PG&E last month rejected a \$2.5-billion offer from the city of San Francisco to buy the utility's power operations. PG&E Chief Executive Bill Johnson said the offer undervalued assets in the city and would not serve the company's customers.

Lynch said she would "reserve for the future" the question of whether a state-run utility should be expanded beyond Central and Northern California, where PG&E serves 16 million people.

Her remarks come nearly 15 years after she left the Public Utilities Commission, following five years in which she infuriated industry giants such as PG&E and Southern California Edison with her positions during California's energy crisis. She also alienated the man who appointed her to her post, Gov. Gray Davis, while consumer advocates praised her as a maverick willing to buck powerful interests.

Since leaving the commission in 2005, the Yale-educated lawyer has seldom relented in her call for greater scrutiny of the investor-owned utilities. Her incredulity has peaked in recent weeks, given what she sees as the electric companies' inadequate wildfire mitigation plans and PG&E's attempts to use its bankruptcy to "evade its responsibilities" for the fire disasters and the fragility of its electrical system.

"The utilities, not surprisingly, cut corners because they can make a better profit if they plow the money that the ratepayers give them into the latest shiny toy — like smart meters," Lynch said, referring to the digital devices that measure electrical usage. "That's what the regulators care about, instead of boring old imperatives like making their systems safe.

"So, very sadly, throughout California, the utilities ran the hell out of their systems and did not properly maintain them."

PG&E spokeswoman Jennifer Robison rebutted the notion that the company was shirking its duty to compensate fire victims and strengthen its operations. She said the utility was "focused on fairly compensating wildfire victims, protecting customer rates, and putting PG&E on a path to be the energy company our customers expect and deserve."

Most of the large and deadly wildfires that have hit California in recent years have been linked to the electrical grid. Fire investigators tied PG&E equipment to 17 of 18 blazes that scorched the wine country and other parts of Northern California in 2017. In 2018, a transmission line operated by PG&E sparked the Camp fire, killing 85 people and burning more than 14,000 homes.

In Southern California, Edison has acknowledged that its equipment will probably be found to be "associated" with the 2018 Woolsey fire, which destroyed more than 1,500 structures and killed three people in Los Angeles and Ventura counties. It also conceded a likely connection to the mammoth Thomas fire, which burned more than 1,000 structures and killed a firefighter.

Confidence in the safety of the grid had fallen so low by October that PG&E cut power to 730,000 customers across 34 counties, stretching from Humboldt County in the north to Kern County in the south. Another intentional outage left nearly 3 million people in the dark. Southern California Edison has warned it might cut electricity to hundreds of thousands of customers, though its largest blackout, in late October, hit some 30,000 homes and businesses.

The fires and blackouts come at a time when individuals and cities are looking for alternatives to big power companies whose mission is to earn maximum returns for their shareholders. Some customers seeking increased reliability and a smaller carbon footprint have [been fleeing from the electric utilities](#) to “community choice aggregators,” or CCAs. Started by local governments, the providers served 2.6 million homes and businesses last year, with an additional 1 million added earlier this year by just one CCA, Clean Power Alliance.

Radical new approaches also have been floated by local officials, including more than 20 mayors who, following the lead of San Jose Mayor Sam Liccardo, signed on to a plan to [turn PG&E into a massive public cooperative](#). They want to duplicate the model of utility cooperatives that provide electricity in much of rural America.

Lynch, who serves on the board of San Diego-based Protect Our Communities, a consumer group, deems the mayors’ initiative serious and well-meaning.

“But it’s just a fact that it’s cheaper and easier to serve a densely populated urban area that’s not mountainous and that isn’t in the desert,” she said. “I’m concerned about other communities and other parts of the state. If you have a Swiss-cheese system — where people in the chosen cities get cheaper, cleaner and safer power — where does that leave everyone else?”

That’s the kind of question that Newsom’s new energy advisors are supposed to answer.

Short of a public takeover, Lynch is urging the Public Utilities Commission to become much more aggressive with investor-owned utilities, saying they would be more candid if the commission more often required them to make their presentations under oath, in full evidentiary hearings. She is not the first to question the utilities’ credibility.

Federal Judge William Alsup of San Francisco, who is overseeing PG&E’s criminal probation, has written about his need to “protect the public from further wrongs” by PG&E and “deter similar wrongs from other utilities.” The judge cited “PG&E’s history of falsification of inspection reports.”

PG&E responded, in part: “We share the court’s focus on safety.”

Lynch pegs the PUC’s change to a less aggressive stance to Michael Peevey, the former Southern California Edison chief executive whom Gov. Davis named to replace her as head of the commission.

“He truly believed that the utility knew best how to run its business. And the job of the regulator was to stay out of the way,” said Lynch, who taught at the Goldman School for Public Policy and

was an executive fellow at UC Berkeley. “As a consequence of that philosophy ... the regulated ran the regulator. Here we are with the result of that, which is a broken-down, unsafe system.”

Peevey responded that Lynch’s attack on his record smacked of “sour grapes” and that he stood by his record, serving under Davis and Govs. Arnold Schwarzenegger and Jerry Brown. “I was the greatest commissioner that California’s ever had at the PUC.” He added, with a laugh: “For good or bad.”

“I believe that the job of leadership is to get the most out of the parties that are being regulated,” Peevey said, “in a cooperative fashion when you can, and if not, then you have to force them.”

The exchange is just the latest salvo in a long-running fusillade between the two, 15 years after Lynch left the commission and five years after Peevey stepped down. The state electricity crisis, in which California struggled to obtain enough power at the start of the new millennium, clouded her legacy. His tenure ended amid calls for his ouster, with some accusing him of overly cozy relations with the utilities.

Protect Our Communities, the San Diego-based group that Lynch has helped run, has demanded in PUC filings that the utilities provide more details about how they are going to prevent their lines and equipment from starting wildfires. The group insists that utilities’ wildfire mitigation plans need to offer more proof of the effectiveness of fixes such as replacing wooden poles with steel ones, lightening loads on power lines and replacing fuses.

Bill Powers, a mechanical engineer and Protect Our Communities board member, said utilities hadn’t focused enough attention on another upgrade — putting more separation between overhead power lines. [In a phenomenon known as “line slap,”](#) Southern California Edison wires collided in high winds in late 2017, the apparent cause of the deadly Thomas fire.

“They don’t even measure which mitigations actually work,” Powers said.

A spokesman at the Public Utilities Commission said new President Marybel Batjer, a Newsom appointee, has made clear she will get the utilities to focus more on safe performance and reducing planned shutoffs.

Lynch said she was hopeful Batjer would get results. But, for now, she continues to detail her concerns, such as the fact that PG&E and SDG&E listed “operations” and “inspections” among the activities that would “harden” their facilities against wildfires. “Operations and inspections aren’t hardening,” Lynch said. “It’s operations and inspections.”

PG&E responded that it was working with the PUC “to continuously improve our plan and help reduce the state’s wildfire risk.” SDG&E spokeswoman Allison Torres called safety its “highest priority” and defended equipment inspections as required by the PUC and “vital to having a full assessment of our power grid.”

Lynch, not easily appeased, said: “They’re not just vague, the plans they filed, they are bull.”

California schools must eliminate lead in water, but what about nearby homes?

By [Austin Grad, Cronkite News](#) | Tuesday, Dec. 3, 2019

LOS ANGELES – California authorities are addressing the problem of lead in drinking water at public schools through a statewide program to test pipes and upgrade plumbing, but experts warn the threat goes well beyond schools – and nearby homes and businesses may unknowingly be affected.

“The same water systems tainted by lead that feed into these schools most likely feed into other buildings in the area as well,” said Felicia Federico, a UCLA researcher who heads the California Center for Sustainable Communities.

The group recently [released a report](#) about the sustainability of water in Los Angeles County. The report said about 12% of Los Angeles’ population turned to drinking bottled water because of perceptions that tap water is unsafe.

In October 2017, California passed a law requiring all K-12 schools built before 2010 to test for lead in their drinking water by July 1, 2019. If drinking water had more than 15 parts per billion of lead, schools were required to shut off all fountains or faucets until they could be replaced. [Nearly 20% of California schools](#) had at least one water fixture that dispensed water containing more lead than is allowed, according to the Environmental Working Group, a nonprofit dedicated to protecting human health and the environment.

Arizona schools [underwent similar testing](#) last year in response to water quality concerns. Arizona Department of Environmental Quality officials collected more than 16,000 samples from 1,427 schools and [worked with](#) “public school districts to replace the small number of fixtures with confirmed elevated lead levels.”

Affected schools in both states took immediate action to resolve the issue, but even after contaminated water is found in schools, neither California nor Arizona require adjacent businesses, homes and day care centers to test for unsafe drinking water.

Lead exposure puts children at higher risk of mental and physical developmental disability. Children who consume lead also are more likely to develop behavioral problems, learning problems, lower IQ and hyperactivity, slowed growth and anemia.

CALPIRG, an independent public interest group, has developed [informational materials](#) to guide consumers through lead testing processes in schools and homes.

“They typically share the same community water systems as these schools,” said Greg Pierce, a UCLA researcher and associate director of research at the Luskin Center for Innovation, “but there’s no required testing for these privately owned places, which may result in many people not knowing that the water they are using for showers, cooking and drinking purposes, may have lead contamination.”

Researchers at UCLA have issued a 100-plus page [environmental report card](#) on water in Los Angeles County. The [report](#) discussed eight categories, including the quality of the county’s drinking water, which received a B+ – although the grade was characterized as incomplete.

“The county does not have enough accessible and updated information for us to do a complete evaluation on the quality of drinking water,” UCLA’s Federico said. “Other categories, such as pipe infrastructure, groundwater and surface water quality, also have a major part in contributing to contamination of our water with contaminants such as lead.”

Lead can get into water systems through old pipes, paint or aging fixtures that allow shavings of the element to get into water, Federico said. Areas where homes and infrastructure are outdated – often where low-income communities live and work – often are most in need of upgrades.

Researchers have found that in such areas, residents have much less trust in the safety of their tap water, although it isn’t clear whether the feared contaminate always is lead. In a Water Consumption Survey published earlier this year, out of 1,171 participants in Los Angeles County, 58% said they drink bottled water every day, with perceived health threats being a driving factor.

“A common issue is that people have water coming into their homes and businesses that have a weird smell, color and taste,” said Cassandra Rauser, director of Sustainable LA Grand Challenge. “These are considered secondary contaminants.”

Although such contaminants can result in tap water avoidance, the problems that can’t be seen, smelled or tasted may cause more harm.

“Primary contaminants, such as lead, are the ones that can actually harm you, but is impossible to detect from looking at the clear water,” Rauser said.

When potable water is not considered safe, residents are forced to spend additional money for clean water. They also have a higher tendency to buy beverages that aren’t as healthful as water.

“With the lack of trust in their water,” Pierce said, “these lower-income residents and areas are now having to rely on water stores, or having to buy drinks such as juice or soda because they believe there are issues with their water.”

The lack of regulation means that buildings are not well-maintained when it comes to water quality, Pierce said.

“Unless the resident wants to go out and buy a testing kit themselves to manually test the water coming out of their faucets, or hire a plumber to test the pipes,” Pierce said.

California does not have a plan to address the problem of lead in drinking water in non-school buildings. But there’s now a common goal in place for Los Angeles County and the California Center for Sustainable Communities.

“The goal is that by 2050, the county is aiming to have drinking water that is 100 percent free of primary contaminants that can lead to health issues down the road,” Federico said. The state feels that everyone, not only children, should have access to clean drinking water.”

Lead, a poisonous metal found naturally in Earth’s crust, is widespread due to human activity and manufacturing processes. Although children are the most susceptible to health problems, the element is linked to numerous issues for adults as well, including high blood pressure, joint and muscle pain, difficulties with memory or concentration, and mood disorders.

“People are legitimately scared about long-term health concerns that are caused by lead,” said Laura Deehan, public health advocate for CALPIRG.

Thousands of [areas across the U.S. have been affected by lead poisoning](#), and drinking water is only one pathway for lead exposure. Any place with older buildings and aging pipe infrastructure is at risk of having this toxic element in the water.

This story is part of [Elemental: Covering Sustainability](#), a multimedia collaboration between [Cronkite News](#), [Arizona PBS](#), [KJZZ](#), [KPCC](#), [Rocky Mountain PBS](#) and [PBS SoCal](#).