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ACTION CALENDAR
 September 10th, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Ben Bartlett and Rigel Robinson, and Mayor Jesse Arreguin
 Subject: Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program

RECOMMENDATION

That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley First-Responders and other critical safety staff and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley (Qualified Positive Recommendation from the Land Use, Housing & Economic Development Committee).

POLICY COMMITTEE RECOMMENDATION

On June 13, 2019, the Land Use, Housing, & Economic Development Committee adopted the following action: M/S/C (Hahn/Droste) to recommend that the report submitted be referred to the City Council with a Qualified Positive Recommendation such that the Recommendation section be revised as follows: That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley First-Responders and other critical safety staff and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Vote: All Ayes.

CURRENT SITUATION

Many City Staffers Cannot Afford to Live In Berkeley, But Must Be Available During Times of Emergency
 City regulations require city staff to respond in an emergency, even if off-duty. Regulations state that in the event of a disaster, Berkeley workers secure their home first, then carry out pre-determined department emergency procedures. In the event that an employee is unable to follow department reporting instructions, the employee should monitor sources of information from the city and attempt to contact their supervisor. If the employee cannot reach their supervisor, they are required to report to the City of Berkeley and act as a disaster service worker¹. Because critical infrastructure may be damaged or destroyed in a disaster, city employees must be able to live in Berkeley to fulfill this obligation, as they may need to travel to city infrastructure via foot. The average Berkeley home is currently valued at over \$1.2 million². LendingTree suggests a 20% down payment when buying a home³. That leaves a 20% down payment at \$240,000. A city worker would have to save \$24,000 a year for 10 years just to make a down payment on an average home in Berkeley. Berkeley city workers are unable to live in the city they serve. The Open Doors Initiative will allow Berkeley staff to live in the city they serve as well as carry out department instructions or serve as disaster service workers in an emergency.

¹ <http://webserver4/AR/PDF/2016/Administrative%20Regulation%209.2.pdf>

² <https://www.zillow.com/berkeley-ca/home-values/>

³ <https://www.lendingtree.com/home/mortgage/down-payment/how-much-is-a-down-payment-on-a-house/>

Ever-Increasing Housing Costs Have Drastically Reduced First-Time Home Buyers

In addition to allowing city staff to respond to an emergency, the Open Doors Initiative's deed restrictions will help first-time homebuyers create wealth. Homeownership is a human right, yet purchasing a home is prohibitively expensive in Berkeley. As previously mentioned, the average price for a home in Berkeley is more than \$1.2 million. In comparison, the median home value in the United States is \$222,800⁴ - just 18% of the median home value in Berkeley. Overall, California ranks 49th in both homes per capita and homeownership rates. The United States as a whole has seen a steep decline of first-time home buyers. In 2010, first-time buyers purchased roughly half of the homes sold nationally; in 2016, only 35% went to first-time buyers⁵. Many would-be home buyers are finding that they cannot afford to do so. In fact, a recent Credit Sesame survey of more than 1,000 renters found that roughly half of renters only rent a home because they can't afford to own⁶. Home ownership is a human right. The Open Doors Initiative is meant to increase home ownership opportunities for first-time home buyers (earning 120% AMI and below) who are increasingly shut out of the market.

BACKGROUND

The Need for Starter Homes

The Open Doors Initiative proposes to increase the number of starter homes, such as condominiums. It envisions residential homeowners dividing their properties into condominiums in Berkeley. Homeowners are granted increased density, with administrative approval, and other fiscal incentives -- provided the homeowner meets certain affordability restrictions and sells to city employees, and first-time homebuyers of moderate income.

Previous generations leveraged the rising housing market to utilize the equity of "starter" homes to allow them to purchase larger homes. This process also gave young families experience of maintaining homes and building community. Today this fundamental act has become more difficult, as the supply of starter homes have drastically dwindled⁷.

Bloomberg reports that starter home inventory has hit its lowest level since Trulia began keeping track in 2012⁸. The supply of starter homes is declining at 17% year-over-year, nearly twice as fast as all homes, and over 3 times faster than larger homes⁹. In July 2017, only 450,000 homes listed below \$200,000 remained in the market, which was about 120,000 fewer than in July 2015 (See id.)

Berkeley is now presented with an historic opportunity to impact the housing crisis by increasing its availability of starter homes. Currently, "[o]ver a third, or 35 percent, of millennials say 'the down payment' is their biggest obstacle to buying a home."¹⁰

With the Open Doors Initiative, houses that once cost upwards of \$1,000,000 and require a 20% down payment of \$200,000 (and often being sold for cash outright) will now be incentivized to become individual starter homes with drastically reduced costs – four condominiums created from the above converted home would ideally each cost approximately \$250,000 with a 20% down payment of only \$50,000. Such a change would turn homeownership into an achievable goal for many people, including young families.

⁴ <https://www.zillow.com/home-values/>

⁵ <https://www.nytimes.com/2017/04/21/realestate/first-time-home-buyers-statistics.html>

⁶ <https://www.gobankingrates.com/investing/real-estate/reasons-women-struggling-buy-home/>

⁷ <https://optimise-design.com/bring-back-starter-home/>

⁸ <https://www.bloomberg.com/news/articles/2018-03-21/u-s-starter-homes-are-pricier-smaller-older-and-scarcer>

⁹ https://www.realtor.com/research/housingshortage_starterhomes/

¹⁰ <https://www.cnbc.com/2018/09/14/the-2-main-reasons-young-people-cant-buy-homes.html>

“Americans 65 to 74 are now the country’s fastest-growing age group. According to a 2014 AARP survey, 88 percent of older Americans want to remain in place as they age.”¹¹ Open Doors Initiative encourages seniors in Berkeley who own large homes to downsize, earn money and while saving their assets.

In summary, we believe that increasing starter homes, will increase accessibility to homeownership for under-represented communities, artists, younger people, first responders, and teachers. This will, in turn:

- a. Reduce the wealth gap between older, predominately white homeowners and underrepresented communities;
- b. Increase diversity of Berkeley neighborhoods;
- c. Support Resiliency and Sustainability by reducing commute times for First Responders and City Employees;
- d. Provide financial benefit to senior homeowners

High Home Prices Place Homeownership Out of Reach for a Majority of City Workers and Berkeley Residence Berkeley salaries¹² are competitive in the region, but still fall below the threshold required to compete in the current housing market.

Disaster Worker Policy

The City of Berkeley requires that in the event of an emergency, every City worker is a disaster worker that prioritizes the safety and well-being of their family first and of Berkeley second. However, the ability for City employees to efficiently and effectively serve in this role is maximized if the employee lives in the city itself.

Missing Middle Housing

Open Doors Initiative will also create affordable housing in Berkeley. Homes created through the ODI will help address the Missing Middle, a type of housing including duplexes and other “starter home” units to which Berkeley residents desperately need access. Creating these units will give city workers, would-be first time homebuyers, disproportionately historically-marginalized communities, a path to home ownership and wealth creation through increased housing equity.

Increasing the supply of one bedroom and studio condominiums also allow community members, previously shut out of the middle class, the opportunity to own a home while simultaneously enabling older homeowners to downsize and efficiently utilize their equity. The deed restrictions provide a path to homeownership for moderate income persons; first responders to be on hand in the event of a crisis; and for workers to avoid long commutes by owning homes in the city they serve.

The Open Doors Initiative serves the policy goals of economic inclusion, community resilience, and environmental sustainability

¹¹ https://www.huffingtonpost.com/entry/housing-crisis-inequality-harvard-report_us_5b27c1f1e4b056b2263c621e

¹² https://www.cityofberkeley.info/uploadedFiles/Human_Resources/Level_3_-_General/SalaryListNONBENEFITED.pdf

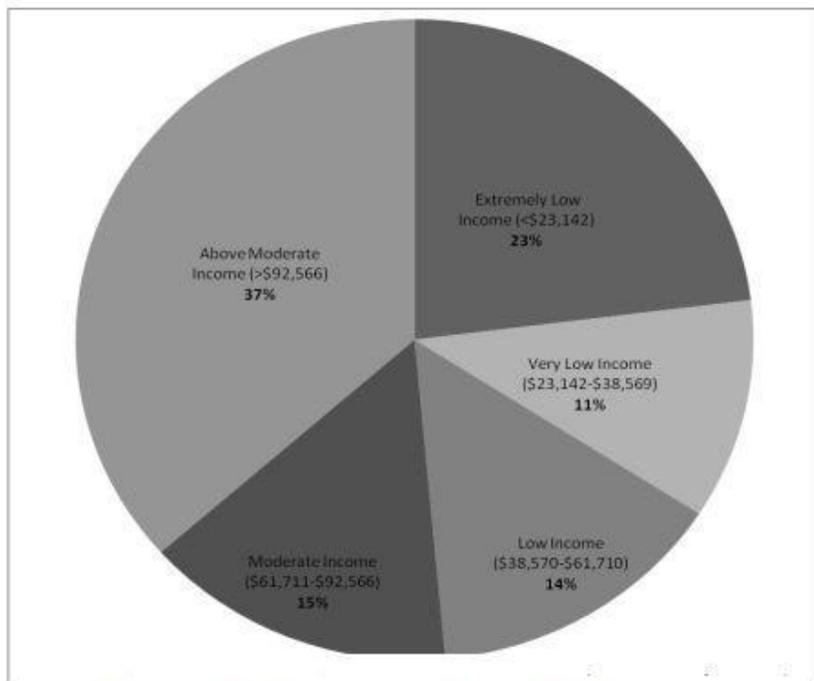
Table 2-20: Average Annual Salary by Job Type, Oakland, Fremont, Hayward Metro Area, 1st Quarter 2013

Job Title	Avg. Annual Salary
Health Care	
Physicians and Surgeons, All Other	> \$203,051
Registered Nurses	\$122,458
Physician Assistants	\$107,636
Pharmacy Technicians	\$50,535
Healthcare Support Workers, All Other	\$49,022
Home Health Aides	\$31,802
Higher Education	
Engineering Teachers, Postsecondary	\$111,076
History Teachers, Postsecondary	\$98,592
Social Science Research Assistants	\$54,683
Graduate Teaching Assistants	\$30,028
Local Government	
Urban and Regional Planners	\$85,419
Fire Fighters	\$88,704
Parking Enforcement Workers	\$50,796
Other Office	
Receptionists and Information Clerks	\$35,734
Office and Administrative Support Workers, All Other	\$36,696
Retail and Service	
Waiters and Waitresses	\$22,723
Dishwashers	\$21,372
Retail Salespersons	\$28,825

Source: CA Employment Development Department, Occupational Employment Statistics (OES) Survey Results

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Figure 2-7: Household Income Distribution in Berkeley, ACS 2008-2012 Estimates



Source: ACS 2008-2012 5-year estimates, Table S1901

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¹³ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-2023%20Berkeley%20Housing%20Element_FINAL.pdf

¹⁴ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-2023%20Berkeley%20Housing%20Element_FINAL.pdf

Accommodating City Workers Will Benefit Minority Groups, Who Are Disproportionately Unable to Purchase Homes

To accommodate workers like teachers and first responders in Berkeley, federal housing rules allow us to set aside workforce housing through a deed restriction. For example, in Colorado, the Peak One Neighborhood, Frisco Town Council, and Summit County Combined Housing Authority has adopted a deed restriction¹⁵ limited sales to municipal workers¹⁶ or work in the County¹⁷. A workforce deed restriction, accompanied by a change in zoning, can ensure that new homes with deed restricted units are only made available to people who have a history of employment in Berkeley/Alameda County and/or meet certain income requirements. Not only would this deed restriction ensure that units are never sold or rented to anyone who earns income outside of the Berkeley/Alameda County, but also it would protect Berkeley's long-term local workers by stabilizing the housing supply for residents. Because Berkeley city workers are disproportionately minorities, accommodating city workers with deed restrictions will benefit Berkeley minorities.

To successfully increase accessibility for these different communities, we have to change the underlying zoning in order to allow developers to convert single-family homes into duplexes, fourplexes, and other forms of housing that could house multiple groups of people. Currently, these types of housing are not allowed to be built in the R1 and in a few R2 districts as a result of zoning issues. Thus, we need to address zoning conditions in order to increase accessibility to homeownership for our constituents.

Wealth Gaps Have Resulted from Homeownership Inequalities

The impact of rising housing costs has manifested itself in glaring wealth disparities between homeowners and renters. Roughly half (51.2%) of the total wealth accumulated by the typical American homeowner is derived from the value of their primary residence¹⁸. Owning a home can drastically improve one's net worth. "Since 2013, the average homeowner has seen their net worth rise from \$201,600 to \$231,400. Renters have watched theirs fall from \$5,600 to \$5,000."¹⁹

Due to the increase in housing costs and the resulting inaccessibility to homeownership for many people, fewer people are able to accrue wealth by purchasing a home. These wealth disparities are most prevalent in underrepresented communities. For instance, a significant wealth gap has appeared between white and non-white households. "Recent data from the Survey of Income and Program Participation (2014) shows that black households hold less than seven cents on the dollar compared to white households."²⁰

"The Institute for Policy Studies recent report *The Road to Zero Wealth: How the Racial Divide is Hollowing Out the America's Middle Class (RZW)* showed that between 1983 and 2013, the wealth of the median black household declined 75 percent (from \$6,800 to \$1,700), and the median Latino household declined 50 percent (from \$4,000 to \$2,000). At the same time, wealth for the median white household increased 14 percent from \$102,000 to \$116,800."²¹

This gap shows no sign of slowing, but rather is projected to increase in the coming years. "In fact, by 2020 [...] black and Latino households are projected to lose even more wealth: 18 percent for the former, 12 percent for

¹⁵ https://peakoneneighborhood.com/pdf/Peak_One_Income_Deed_Restriction.pdf

¹⁶ https://peakoneneighborhood.com/pdf/Peak_One_Non-Income_Deed_Restriction.pdf

¹⁷ <https://peakoneneighborhood.com/community/locals-price-deed-restriction/>

¹⁸ <https://www.zillow.com/research/black-hispanic-home-wealth-16753/>

¹⁹ https://www.huffingtonpost.com/entry/housing-crisis-inequality-harvard-report_us_5b27c1f1e4b056b2263c621e

²⁰ <https://insightcced.org/what-we-get-wrong-about-closing-the-racial-wealth-gap/>

²¹ <https://www.forbes.com/sites/brianthompson1/2018/02/18/the-racial-wealth-gap-addressing-americas-most-pressing-epidemic/#25b6eb127a48>

the latter. After those declines, the median white household will own 86 times more wealth than its black counterpart, and 68 times more wealth than its Latino one.” (See id.)

Another wealth disparity that has grown more extreme is between the younger and older generation. “Older people have always had more net worth than younger people, of course, but never like this. Thirty years ago, families headed by someone over 62 had eight times the median wealth of families headed by someone under 40. By 2013, older families had 15 times the wealth of younger families.”²²

Because homeownership increases one’s ability to expand one’s net worth, it is the surest on-ramp to addressing these grotesque wealth disparities.

Displacement as a Result of High Home Costs

Historically, Berkeley’s redlining policies denied people of color access to its best neighborhoods. Today, though these policies have long been gone, the residual effect of those policies combined with the housing crisis has had the effect of reinforcing similar divides. “The difference between the large homes and winding roads of the predominantly white neighborhoods of the Hills and the Claremont neighborhood, and the modest, mixed-use character of racially diverse South and West Berkeley is indicative of the city’s racial and class-based divisions.”²³

Housing costs in the United States have condemned many to a life of poverty, especially African Americans and Hispanics. “Though the number of Americans living in poverty has increased by 41 percent since 2000, the number of “high-poverty census tracts” has increased even faster. By now, 51 percent of blacks and 44 percent of Hispanics live in these areas of concentrated poverty, compared to just 17 percent of whites. According to numerous studies, children who grow up in areas of concentrated poverty are disadvantaged on nearly every measure, from school quality to violence to social mobility.”²⁴

The ever-increasing cost of housing has also forced teachers and first responders to live long distances from their workplaces. For example, San Francisco has seen a teacher shortage, because housing is so costly that the average teacher can only afford .7% of the homes on the market.²⁵ In addition, despite earning more than \$100,000 in San Francisco and San Jose, first responders can afford just 2.4% and 6.6% of currently listed homes, respectively.²⁶ In the event of a fire or massive tragedy, we need first responders to be able to live in Berkeley.

A closer look at the makeup of first-time buyers reveals a disturbingly large gap between white and non-white purchasers. The breakdown is as follows: 79% were white, 9% Hispanic, 8% Asian Pacific Islander, 7% African American, and 3% other²⁷.

This racial divide is not just present in first-time buyers. Zillow reports that “[i]n 1900, the gap in the homeownership rate between black and white households was 27.6 percentage points. It’s now 30.3 percentage points.”²⁸ Additionally, according to the same report, “the difference between white and Hispanic

²² https://www.huffingtonpost.com/entry/housing-crisis-inequality-harvard-report_us_5b27c1f1e4b056b2263c621e

²³ <https://www.berkeleyside.com/2018/09/20/redlining-the-history-of-berkeleys-segregated-neighborhoods>

²⁴ https://www.huffingtonpost.com/entry/housing-crisis-inequality-harvard-report_us_5b27c1f1e4b056b2263c621e

²⁵ <https://www.sfgate.com/technology/businessinsider/article/SF-teachers-cant-afford-housing-in-SF-12797504.php>

²⁶ <https://www.trulia.com/research/affordable-housing-occupation-2018/>

²⁷ The percentage exceeds 100% because participants could choose more than one ethnicity.

<https://www.nytimes.com/2017/04/21/realestate/first-time-home-buyers-statistics.html>

²⁸ <https://www.zillow.com/research/homeownership-gap-widens-19384/>

homeownership rates has more than tripled”, from 7.9 percentage points in 1900 to 25.7 percentage points in 2016. (See id.) “It’s the widest gap among whites, blacks, Hispanics and Asians.” (See id.)

It is likely that the racial and gender wage gaps present in the United States have directly affected homeownership rates. When getting approved for a mortgage, a borrower’s income is an important factor when lenders assess his or her reliability, which puts borrowers with less income at a severe disadvantage.

In 2016, Pew Research found that African American men earned 73% of what white men earned, and Hispanic men earned approximately 69%²⁹. White women earn approximately 82% of white men, Asian women earn 87%, African American women earn 65%, and Hispanic women earned only 58%. (See id.)

The New York Times’s study of first-time buyers reflects the effect of the gender wage gap; while the median home price for a single male was \$157,000, the median price for a single female was \$146,300³⁰.

Another group adversely affected by the rising housing costs is young people, who are increasingly unable to afford homes. “Though every age bracket contains significant inequalities, Americans over 65 are the only cohort with higher homeownership rates now than in 1987. Homeownership for every other age group has fallen significantly”³¹

Many young people continue to be hindered by their student loans, preventing them from purchasing a home. “Paying college loans is a big burden for homebuyers. It’s harder to save for a down payment and can make qualifying for a mortgage more difficult. It can also delay a purchase as people pay down their debt.”³²

A recent study has also revealed that people in the LGBTQ+ community face unique challenges when buying a home. In April 2018, a survey by Freddie Mac among 2,313 LGBT community members (aged 22 to 72) living in the United States found that “49 percent of LGBT households are likely to own a home - considerably lower than the current national rate (64.3 percent).”³³ The study showed that when deciding where to live, LGBT renters cited price, safety and a LGBT-friendly location as the most important factors. (See id.)

Berkeley prides itself on accepting people from all walks of life. However, unless a conscious effort is made to increase accessibility of homeownership, underrepresented communities will continue to be denied access to the same benefits enjoyed by current, often very wealthy, homeowners. "Homeownership has become an indispensable part of being a full participant in American society," National Urban League President and CEO Marc H. Morial said. “An erosion of homeownership rates among African Americans represents not only a devastating financial loss but a barrier to full participation in the American dream.”³⁴

Funding

Potential funding sources include: private lenders; affordable housing financial technology platforms; federal and state homeownership programs; Measure A1 Homeowner Development Funds; and Qualified Opportunity Zones.

²⁹ <http://www.pewresearch.org/fact-tank/2016/07/01/racial-gender-wage-gaps-persist-in-u-s-despite-some-progress/>

³⁰ <https://www.nytimes.com/2017/04/21/realestate/first-time-home-buyers-statistics.html>

³¹ https://www.huffingtonpost.com/entry/housing-crisis-inequality-harvard-report_us_5b27c1f1e4b056b2263c621e

³² <http://www.nareb.com/black-hispanic-homeownership-rates-remain-stuck-below-whites/>

³³ <https://freddiemac.gcs-web.com/news-releases/news-release-details/new-research-finds-lgbt-homeownership-rates-lag-behind-general>

³⁴ <https://newsroom.wf.com/press-release/consumer-lending/wells-fargo-commits-increase-african-american-homeownership>

In 2016, Alameda County passed Measure A1, which issued \$580 million in bonds to acquire and improve real property to help poor and middle-class people buy homes.³⁵ The Open Doors Initiative proposes to use these A1 Homeowner Development Funds for low income first-time home buyers.

Additionally, the Initiative proposes to explore the use of Qualified Opportunity Zone funds to aid in financing³⁶ construction costs³⁷. Qualified Opportunity Zone funds were established in the Tax Cuts and Jobs Act of 2017 with the purpose of improving Qualified Opportunity Zones.³⁸ Investors with capital gains can defer taxes on those gains if they invest within Qualified Opportunity Zones.³⁹

These Qualified Opportunity Zone funds should be used towards the construction costs related to the creation of starter homes. This will ease the financial burden of seniors seeking to downsize their homes and promote the construction of new starter homes in Berkeley.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, LAWS

Currently Berkeley has a number of units zoned as R1, Single Family Residential. The Open Doors Initiative will allow homeowners in an R1 zone to apply for administrative approval to convert their single family home into a multi-family unit, provided they meet affordability restrictions and agree to sell to moderate income persons and/or city workers including, first responders, firefighters, and other public employees.

The Open Doors Initiative will also require deed restrictions in units that are converted from R1 to multi-family condos to sell to city workers that meet income requirements, ensuring that the “Missing Middle” of income earners with the city of Berkeley have access to home ownership.

Low-Income Homeowners Face Challenges Affording and Maintaining Their Homes

In Berkeley, many long-time homeowners were able to purchase their homes when values were much lower. Even though redlining and discrimination by financial institutions greatly limited access to capital for African Americans in particular, many were still able to become homeowners in South and West Berkeley.

The Open Doors Initiative would benefit these homeowners by providing a means financial stability. However, in order to realize these benefits, homeowners would be required to make substantial home improvements. The current cost in Berkeley for home improvements is \$400-500 per square foot.

Such prices will likely require the homeowner to receive commercial home improvement loans. This is problematic because, many homeowners of color still face barriers and discrimination in accessing commercial home improvement loans.

This practice of discrimination by lenders can result in homes falling into disrepair. Coupled with aggressive code enforcement has led to some community members losing their homes to receivership and the courts.

For these reasons, the Open Doors Initiative will include not only regulatory changes, but financial and informational programs to ensure low-income homeowners are able to participate and benefit from this program. The Open Doors Initiative helps low-income homeowners realize some of the equity locked up in their home, invest in maintenance and improvements, and provide affordable homeownership opportunities for

³⁵[https://ballotpedia.org/Alameda_County,_California,_Affordable_Housing_Bond_Issue,_Measure_A1_\(November_2016\)](https://ballotpedia.org/Alameda_County,_California,_Affordable_Housing_Bond_Issue,_Measure_A1_(November_2016))

³⁶ www.verbhouse.com

³⁷ www.divvyhomes.com

³⁸ <https://www.wellsfargo.com/the-private-bank/insights/planning/wpu-qualified-opportunity-zones/>

³⁹ <https://www.wealthmanagement.com/high-net-worth/what-are-qualified-opportunity-zones>

others in the community. Thus, the program meets the city's goals of stabilizing communities that are facing displacement while adding to the affordable homeownership stock.

ACTIONS/ALTERNATIVES CONSIDERED

That the City Council adopt The Open Doors Initiative to assist the creation of affordable starter homes and empower city employees and first-time home buyers. The Open Doors Initiative will allow homeowners in R1 and R1A zones to apply to renovate their properties to become multi-family condominiums, while providing incentives for doing so. To qualify for zoning approval, families must agree to deed restrictions which prohibit them from selling the newly-created condominiums to anyone who is not an employee with the city of Berkeley or does not meet income requirements. These deed restrictions are meant to provide a path to home ownership for persons within the missing middle and workers with the city of Berkeley who could otherwise not afford to own a home in the city they serve.

RATIONALE FOR RECOMMENDATION

As noted above, the homeownership has become increasingly more difficult. By financially incentivizing R1 homeowners to convert to multi-family condominiums, the city of Berkeley will offer a path to older homeowners seeking to downsize to leverage their equity while providing Berkeley city workers with a supply of affordable condominiums. Over time, as the housing market rises, Berkeley city workers and moderate income persons who own these condominiums will be able to leverage the equity themselves when taking out loans, or sell the condominiums to other Berkeley city workers and moderate income persons.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

To be determined.

FISCAL IMPACTS OF RECOMMENDATION

To be determined by an impact study.

ENVIRONMENTAL SUSTAINABILITY

Duplexing single family homes promotes environmentally sounded infill housing development. In addition, the Open Doors Initiative does not require the creation of additional parking spaces.

OUTCOMES AND EVALUATION

To be determined.

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Attachment:

- 1) **City of Berkeley Employee Salaries:**
https://www.cityofberkeley.info/uploadedFiles/Human_Resources/Level_3_-_General/SalaryListNONBENEFITED.pdf

