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External Email

BAHFA Cannot Legally Put a Bond on the Ballot

The Bay Area Housing Finance Authority (“BAHFA”) cannot legally proceed to put a \$10 Billion bond (or any bond) on the November 2024 nine county Bay Area ballot, because BAHFA was created by an unconstitutional law.

The California Constitution, Article IV, section 16, does not permit local or regional laws unless a general state-wide law cannot be enacted.

BAHFA was created by AB 1487 (Chiu 2019). That bill was an invalid “local or special statute” because it applies only to the San Francisco Bay Area and thus is not a general, statewide statute. Its attempt to describe affordable housing issues in the Bay Area as unique is demonstrably false; countless bills describe the problem as statewide. In fact, a similar bill, SB 679, uses the same words to describe the same issue in the LA area as also unique. But the same issue, occurring in two different parts of the state, is not “unique” to one area.

Sen. Skinner’s proposed law, SB 440, would have allowed two or more local governments to establish a regional housing finance authority anywhere in the state. That was the right way to proceed, but it died in the Legislature.

You must cease and desist from proceeding with the bond.

Nick Waranoff