

# Template Letter to Advocate for Tenant and Community Opportunity to Purchase Commitment in the Housing Element

Dear [RECIPIENT],

We are [DESCRIBE ORGANIZATION(S)]. We urge the [CITY/TOWN/COUNTY OF \_\_\_] to commit to passing a strong [Tenant/Community] Opportunity to Purchase Act policy in the 6th Cycle Housing Element update.

Renters at risk of displacement in [CITY/TOWN/COUNTY] urgently need [TOPA/COPA] so that they can stay in their communities and have a voice in their housing options. [Tenant Opportunity to Purchase Act (TOPA)/Community Opportunity to Purchase Act (COPA)] policies create opportunities, mechanisms, and time for tenants to purchase and stay in their homes long-term when they go up for sale. [TOPA/COPA] gives tenants and/or qualified organizations advance notice that the landlord intends to sell the building, along with specified timelines to exercise the “right of first offer” to buy the property before it goes on the market and the “right of first refusal” to match a third party offer if their initial offer is rejected. [CITY/TOWN/COUNTY] should consider committing to adopt a local [TOPA/COPA] in the Housing Element in order to prevent displacement, stabilize current residents and existing communities, and preserve affordable housing for the long term.

Through the 6<sup>th</sup> Cycle Housing Element Update, [CITY/TOWN/COUNTY] is required to assess the housing needs of low-income households and identify specific strategies to conserve and improve affordable housing stock and Affirmatively Further Fair Housing (AFFH). TOPA/COPA is a crucial preservation strategy that would help [CITY/TOWN/COUNTY] meet those obligations.

## **[TOPA/COPA] Addresses Unmet Needs of Low-Income Households**

The Housing Element must include an assessment of housing needs that analyzes existing and projected housing needs for all income levels, household characteristics such as ability to pay, and housing needs for particularly vulnerable residents such as people with disabilities, farmworkers, and female headed households.<sup>1</sup>

In the [CITY/TOWN/COUNTY], [NUMBER/PERCENT] affordable homes are at risk of conversion or demolition. Rents have risen by [PERCENT] over the last decade. Further, the [CITY/TOWN/COUNTY] has a high jobs-housing fit of [RATIO], meaning there are [NUMBER] low-wage jobs for every home affordable to them in the [CITY/TOWN/COUNTY]. The Housing Element must include a plan to address these losses of affordable housing and the high rates of rent-burdens, overcrowding, and displacement risk in our community. As a preservation and anti-displacement tool, TOPA/COPA is a key strategy to address the unmet needs of low-income households.

## **[TOPA/COPA] Preserves the Affordability of Existing Affordable Housing**

The Housing Element must contain a program that addresses the conservation of existing affordable housing stock in the community.<sup>2</sup> Cases interpret this requirement in Housing Element Law to include action programs that preserve all housing that is already affordable to lower and moderate income households, not just subsidized or rent controlled housing. Preservation policies like [TOPA/COPA] are essential to meet that objective.

---

<sup>1</sup> Gov. Code §§ 65583(a)(1), (2), (7).

<sup>2</sup> Gov. Code § 65583(c)(4).

Properties purchased through TOPA/COPA may be subject to permanent affordability restrictions, increasing the [CITY/TOWN/COUNTY's] affordable housing stock and permanently removing property from the speculative market. The [CITY/TOWN/COUNTY] should commit to passing a [TOPA/COPA] policy in the program of actions in order to meet the requirement to preserve existing affordable housing stock and maintain the affordability of that housing. [TOPA/COPA] is a critical tool to prevent existing sources of affordable housing from being lost or converted into market rate units.

### **[TOPA/COPA] Policies Affirmatively Further Fair Housing (AFFH)**

AFFH means taking meaningful actions to address disparities in housing needs and access to opportunity, and that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.<sup>3</sup> Protected characteristics under California law include race, sex, national origin, disability status, and other characteristics.<sup>4</sup>

In this upcoming Housing Element Cycle, cities and counties are now required to conduct their own Assessments of Fair Housing (AFH). Each jurisdiction's AFH must analyze the housing needs of members of protected groups and housing inequality, and identify and prioritize concrete actions to remedy these injustices. As communities of color continue to be the primary demographic affected by displacement and lack of affordable housing in [CITY/TOWN/COUNTY] based on [LOCAL DATA], [CITY/TOWN/COUNTY] should identify and prioritize anti-displacement strategies such as [TOPA/COPA] to address these fair housing issues.

### **[CITY/TOWN/COUNTY] Must Engage Renters and Low-Income People in the Housing Element Process**

Jurisdictions must make a "diligent effort [...] to achieve public participation of all economic segments of the community in the development of the housing element." For [CITY/TOWN/COUNTY] to meaningfully engage with all economic segments of the community during the Housing Element process, [CITY/TOWN/COUNTY] must make intentional, proactive, and robust efforts to solicit and incorporate input from low-income people, many or most of whom are renters. [CITY/TOWN/COUNTY] must also specifically include members of protected groups, such as people of color, immigrants, people with disabilities, and others who often face barriers to being heard in public decision making.

As local jurisdictions actively work on broad public engagement throughout this process through various community meetings, residents have voiced their concerns about the [CITY/TOWN/COUNTY's] current housing landscape and called for [CITY/TOWN/COUNTY] to pass a [TOPA/COPA] policy. Our local [TOPA/COPA] campaign is deeply rooted in the needs of the community, as this policy aims to support tenants at risk of displacement, facilitate tenant organizing and power-building, stabilize gentrifying neighborhoods, and take property off the speculative market and place it under community control.

[CITY/TOWN/COUNTY] residents need the [CITY/TOWN/COUNTY] to take concrete steps in the 6th Cycle Housing Element to not only meet its legal obligations, but to ensure that every resident can continue to thrive and prosper here without fear of losing their homes.

We look forward to working with the [CITY/TOWN/COUNTY] to develop [TOPA/COPA] programs and

---

3 Gov. Code §§ 65583(c)(5), 8899.50(a)(1).

4 Gov. Code § 65583(c)(5).

urge [CITY/TOWN/COUNTY] to identify this policy as a key strategy in our Housing Element. Please reach out to [NAME] at [EMAIL] if you have any questions.

Sincerely,

[SIGNATORIES]

This toolkit reflects the work of a Bay Area Housing Element advocacy working group that includes (in alphabetical order): East Bay Housing Organizations, Enterprise Community Partners, GENESIS, Greenbelt Alliance, The Housing Leadership Council of San Mateo County, The Law Foundation of Silicon Valley, The Nonprofit Housing Association of Northern California, Public Advocates, Public Interest Law Project, RichmondLAND, Urban Habitat, and Working Partnerships USA.