Opportunity to Purchase Act Campaign Playbook



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OPA gives us a chance to have a say in what we want with our homes, a chance to own our homes, a chance to stay. OPA gives residents, especially black and brown residents, a chance to continue contributing to the place we call home.



Tenant in Berkeley, CA

Introduction

We have reached an inflection point in California's housing crisis.

After more than a decade of rising housing costs, the pandemic managed to accelerate California's housing affordability crisis at a feverish pace. Even with economic turbulence underfoot, housing costs remain astronomically high. The result of these trends morphs community and family life in predictable and preventable ways. We find ourselves in the State with the highest rate of poverty and second lowest rates of homeownership in large part because of our exceptionally high housing costs.

And yet, coming out of the pandemic, we've seen glimpses of a transformative future that puts community care and connection at the center of our housing system. Whether it comes from the <u>Moms 4 Housing</u> movement activating conversation and policy change around anti-speculation measures in Oakland or the <u>Reclaimers</u> movement in El Sereno igniting a conversation about strategies and policies to remedy displacement, our housing movements are opening up new pathways to a housing system that creates accessible, stable, healthy and affordable homes.

One vital solution to strengthen our communities and protect tenants from losing their homes are Opportunity to Purchase Acts (OPA). Currently being proposed in cities and counties across the state, OPA policies are designed to give tenants a shot at owning their homes when the current owner is ready to sell. Today, in most jurisdictions across California, tenants who may be interested in a collective ownership model have minimal infrastructure to support efforts to acquire their building when landlords are ready to sell. OPAs expand a community's ability to preserve affordable housing and support collective ownership models.

What Is an Opportunity to Purchase Act?

Opportunity to Purchase Acts give eligible buyers, such as tenants, community land trusts, affordable housing providers, and communitybased organizations a "right of first refusal" or an exclusive period to make an offer on the property, or the option to match any offer made by a private buyer. In "hot" housing markets, OPAs give eligible buyers time to assemble the financial resources to make competitive offers in places where properties sell quickly. When housing markets cool off, OPAs can slow the encroachment of speculative or predatory buyers by ensuring tenants or mission-oriented buyers have a shot to make a solid offer.

There are two common OPA models:

- Tenant Opportunity to Purchase Acts (TOPA) give tenants the right of first refusal to purchase their property and/or allow tenants to assign their right to a "qualified organization," such as a non-profit affordable housing provider or community land trust.
- Community Opportunity to Purchase Acts (COPA) give qualified organizations the right to purchase the property.

Some policies, like Berkeley's proposed TOPA, combine both models, giving qualified organizations the right to make an offer if tenants do not exercise their rights.



A strong Opportunity to Purchase Act aims to:

- preserve current affordable housing while expanding ownership opportunities for low- and moderate-income tenants,
- stabilize existing residents and communities
- expand choice within a city's stock of permanently affordable housing,
- give tenants and/or non-profit developers an equal opportunity to compete in the market, and
- remove units from the speculative market.



Playbook Overview

This playbook outlines the essential building blocks for a successful OPA campaign and provides resources to help you run your campaign. The playbook emerged from discussions with organizers running campaigns across California who wanted to equip groups working on new and emerging campaigns with a resource that reflects the collective wisdom surfacing through their experiences. It is a gift to future campaigns, offering lessons, tools, and resources we've picked up along the way. OPA policies are a relatively new policy tool for California jurisdictions, so this work is emergent. There is no roadmap that will guarantee success, but there are some themes and lessons that can help you kickstart your OPA campaign.

The Playbook is organized around four building blocks:

- 1 Base Building
- 2 Working with Elected Officials
- 3 Developing Your Policy
- 4 Crafting Your Message and Confronting Opposition

Building a campaign is iterative. Therefore, this guide is not designed to be read in a linear way. Dip into the sections that you're curious about, pick and pull what resonates, highlight, and add notes until you've built a campaign that works for your community.

We wish you great success.



How Do I Know if an OPA Policy is Right for My Community?

Addressing the housing crisis requires large scale, multi-pronged solutions. OPA is one type of solution that meets multiple goals, but knowing whether it's the right policy to build a campaign around requires active discussions with tenants and people dealing with housing injustice and insecurity. Policy strategies should flow from those discussions and anchor to work they're motivated to advance.

How you land on an OPA strategy may not be obvious when you start your work, but rather it should evolve from grassroots work that's responding to an urgent need. For instance, the campaign for Minneapolis' TOPA policy didn't start with policy research, but rather when Inquilinxs Unidxs por Justicia had successfully supported a group of tenants to buy their building. Working on just that first building solved an urgent need, built partnerships, created a model of success to point to, and a vision of what was possible if their work was brought to scale through a city-wide policy. The Minneapolis example is a

good reminder that if a policy strategy isn't something that energizes folks, or if tenants identify an urgent need that can't wait for a policy to be adopted, it may make sense to focus your energy on a small scale solution knowing you can come back to policy work as needs shift, new models are created, and power is built.

In some cases, advancing an OPA policy will come from a desire to scale work that's already happening, such as what happened with Inquilinxs Unidxs Por Justicia. In other cases, your work may emerge from a longer public process, such as the one <u>SOMOS</u> Mayfair experienced in San Jose. SOMOS and their members have a long history of community organizing and advocacy around resident-led housing solutions and decided to move forward with a COPA policy based on work with the City of San Jose's housing department. As part of a twoyear planning process in San Jose, housing department staff, residents and organizers, including SOMOS, sorted through anti-displacement

strategies that could work in their community. Once they identified a short list of policies, they worked with city staff to identify the policies they felt were politically viable, which included the COPA policy.

Though it is likely less common, it's possible a city or county council could bring the idea of an OPA policy to you. However, this will require you to organize outreach to tenants and allied coalitions to sort out whether this policy makes sense from their perspective. OPA policies resonate with many California tenants and policymakers because they keep people in their homes and communities, offer an onramp to homeownership, and expand the options cities have to maintain their stock of affordable housing without massive subsidies or years of construction — win, win, win!



Building Blocks

1 Base Building

Once you decide to move forward with an OPA campaign, base building is especially important because OPA policies are by and large unfamiliar to tenants, landlords, voters, and elected officials alike. That lack of familiarity can help you break open new conversations and cut through stale discourse. But unfamiliar territory also means confronting confusion and distrust. OPA isn't strictly a tenant protection strategy, which advocates have been organizing around for decades, or production strategies that developers and elected officials tout. And while it may be easy to create alignment around the value of more homeownership opportunities, the policy details can be dizzying. However, if you take the time to break it down and have the conversations, people will find that the policy is straightforward.

Center Your Communities

OPA campaigns have generally developed a base building strategy around three phases of work — education, community policy design, and mobilization — which can overlap as needed.

PHASE Education

In this phase, organizers run meetings with tenants and impacted groups using <u>popular education</u> <u>methods</u> and community forums to unpack the benefits and challenges of OPA strategies. This type of work will always be more impactful if you're:

- working in the places where tenants are already showing up, especially community events and coalition meetings where you can engage many people
- ensuring that the people facilitating and speaking at the events are trusted by and resonate with your intended audience
- lifting up the stories that build the case for your policy

Once it is clear that tenants are ready to move forward, the education phase should also extend to other stakeholders, such as allied coalitions or communitybased organizations, prospective donors, potential political champions, and progressive landlords.

PHASE Community Policy Design

Several campaigns have created a "community OPA policy" or worked with tenants and partners to articulate what policy components matter most. This is different from the policy design process done with elected officials and other government staff. Community OPA policies can help you figure out what a strong policy framework looks like so advocates and residents have a set of shared priorities to advocate for in the legislative process.





PHASE Mobilization

This phase is when advocates work directly with their coalitions to secure endorsements, build momentum, and lock in votes. While the other two phases may be done before a campaign goes public, mobilization efforts happen as part of an active campaign. Tasks to prepare and kickstart the mobilization phase include power mapping, developing and executing social media and marketing campaigns, talking with elected officials, securing endorsements, rallying for and speaking at public hearings.

Organizer Wisdom

- Start with tenants, residents, and coalition partners that are energized to move a campaign forward. Work through their concerns and needs as a way to understand how to ground your work and address issues of distrust they may have with the process. In particular, working with Black and Brown institutions and communities early on is important to help address potential fears and combat misinformation.
- Identify natural alliances and coalitions to broaden the base for your campaign. Connecting OPA policies to other issues people care about is an opportunity to build robust coalitions and work efficiently with few resources.
- Use storytelling for base building and confronting campaign opposition.
 Create opportunities for people to share and amplify their stories that make a strong case for your work.
- Develop materials and resources to build energy and momentum. In the education and outreach phase, focus on making clear presentations and FAQs. Use meetings with tenants and elected officials to gather stories

and questions to build out the materials such as videos, social media campaigns, talking points, messaging guides, etc. Make sure the information is created and translated so people see themselves, their neighborhoods, and communities in the materials.

- Segment and strategize how you will reach different constituent groups. Think about how to reach a variety of community groups, electeds, decisionmakers, and other stakeholders.
 Differentiate your outreach, education, and messaging strategies as a way to effectively spread your message.
 Prepare tenants and supportive landlords to share their stories and cultivate a range of stories to show how a variety of people will benefit from the policy.
- Engage undecided people early. This will be critical to combat misinformation and ensure the priorities of the campaign and policy are clear. Keep in mind that most people in the broader community will begin uninformed and undecided.

OPPORTUNITY-TO-PURCHASE ORDINANCES

Should tenants get the first shot at buying their homes?



Resources

- Campaign Plan: see Appendix B
- Power Mapping: <u>Step-by-Step Guide</u> from Reckoning with Race
- Video samples:
 - → Moms 4 Housing TOPA 101
 - → SOMOS Mayfair's COPA Housing Stories
 - → <u>TOPA4LA video</u> by LA CLT Coalition
 - → Berkeley residents say Yes2TOPA
 - → TOPA: A National Movement
- Websites and education materials:
 - → Somos Mayfair's <u>COPA website</u>
 - → Berkeley's <u>Yes to TOPA website</u>
- Presentations and meeting recordings:
 - → Intro to OPA Presentations: Samples from Berkeley and East Palo Alto
 - → <u>TOPA Tuesdays</u>: 45 min online presentations presented by the LA CLT Coalition
 - → <u>TOPA Community Meeting</u> in Berkeley
 - → East Palo Alto <u>City Council presentations</u> and recordings

2 Working With Elected Officials



After building your base, you'll need to garner the support of a majority of elected officials to adopt your policy. Yet, working with elected officials (even electeds who support your work) can be tricky, so it's important to understand what you need from elected officials and how to navigate the halls of power.

Aside from voting, elected officials particularly your political champions and their aids — play several vital roles to ensure success.

First, they can **help you assess** whether the political moment is ripe for this particular policy to move forward or what you need to do to build political will. Because OPA policies are largely new to California jurisdictions, they may face unique challenges around casemaking and policy design that more well-known policies may not. It is also important, if possible, to work with at least one elected champion who has a history in social justice and a constituency they are committed to stay engaged with. This will help advance as strong of a policy as possible and better ensure that the elected champion will stay committed to advancing the policy when things inevitably become challenging.

Second, they can help you **gauge** and communicate political dynamics, provide information to help you succeed, and help you head off challenges. Because their offices field questions and concerns and host meetings with a variety of constituents and lobbyists, they have special insight into the major issues and what messages are building support. Electeds can help you sort out sequencing for things like endorsements to help you build momentum and give you the inside scoop on salient and persuasive arguments for different stakeholders. It is also important to assess and prepare elected champions and likely supporters for misinformation from the opposition (see Appendix B) and how that propaganda could influence homeowner and landlord constituents. Third, they can **use their platform to advance the work**. Elected officials can work with city departments and communicate with different stakeholders in ways that your group may not be able to do, including: creating and commissioning studies and reports; working with department staff to surface or navigate internal departmental or agency politics; building the case in community forums; identifying residents with compelling stories; and, publicly debating opposition to counter their claims.



Understand How Power is Held and Who Will Champion the Policy

Once your group has identified OPA as a policy strategy you want to move forward, it's important to identify a political champion. Political champions should be people with whom you're in regular communication. Their role is to assess how work is advancing, help with the drafting process, and use their platform to build support. It can be helpful to work with electeds who have a background in housing justice and have demonstrated that they can be held accountable to their constituencies.

To figure out who your champion(s) are, start with a <u>power</u> <u>mapping exercise</u>, which should help you identify:

- Who your prospective political champions might be? (i.e., who would help draft or co-sponsor the policy?)
- Who might be supportive, and who are the leaders or donors they listen to and the organizations they care about?
- Who might be a swing vote, and who are the leaders or donors they listen to and the organizations they care about?
- Who your opposition may be, and who are the leaders or donors they listen to and the organizations they care about?

From there, set-up meetings with council members to sort out how they will participate. You'll need to have staff who are able and willing to take on the workload to get a policy to the finish line. It's helpful to look for a legislative aide with intimate knowledge of the policy and program complexities, and who will successfully work with decision-makers.

Prepare for Turbulence

Political winds can shift hard and fast, creating major hurdles even with your most supportive council members. Priorities shift, crises surface, opposition creates rifts, and unforeseen political issues seep up from the cracks in the campaign process. Building structures designed to withstand campaign turbulence can help you ride out the rough parts. Some key considerations are:

- **Endorsements are critical.** Endorsements from a wide range of organizations and leaders that represent an array of constituent groups create buffers when trouble surfaces.
- **Control the narratives.** Messaging strategies that anticipate and counter misinformation help you define the campaign. See Crafting Positive Messages on page 28.
- **Expect a long fight.** The most recent campaigns have taken about 3–5 years, sometimes on top of several years of base building. Almost every campaign has hit delays, which were largely due to COVID. Yet, even once life began to stabilize, campaigns still faced multiple delays. Be honest with yourself, funders, and key partners about what it will take to get to a successful outcome.
- Take the time to get it right. OPA policies aren't simple they must deftly
 navigate the nuances of tenant needs, real estate markets, and property
 owner expectations. Take your time and don't short change the details. There's
 a lot to learn from previous campaigns and policies; see Developing Your Policy
 on page 18.
- Be clear about the objectives and non-negotiables. It is also important to identify what compromises are acceptable and may be necessary to advance a strong policy with your core supporters. Remember that you can oppose the policy if the core intent has been lost in the policy-making process.
- Know that trust will need to be built and rebuilt if things go awry. If you've
 opposed a draft or found yourself in a position where trust has been lost, your
 campaign timeline may need to shift and you may need to reassess potential
 compromises and/or relationships to move a policy forward.



Organizer Wisdom

- Make power mapping your best friend. Sharpen your analysis of who will champion this policy and how to leverage the power across organizations and community leaders to ensure success.
- Assess your political window. Know why *this* policy is the right solution. How does this policy meet the moment and solve a real problem residents and their council members care about?
- Identify elected officials and staff to champion the work. Council members and their legislative aides have been effective champions in many OPA campaigns. Legislative aides in particular are connected to other councilmember offices and different stakeholders. They also get emails from both support and opposition and can give you insight into the types of questions or messaging strategies that are coming up. Clarity about the roles people play will help when navigating tradeoffs and negotiations within your coalition.

- Give supportive elected officials the resources they need to withstand opposition. Your political backers will need muscle and a strong backbone. They will need powerful stories, compelling arguments, deft policy strategy, and a mandate. Work with your political champions to sort out how to prioritize the limited time and resources and sequence your work to maximize your reach.
- Remember that many elected officials are property owners, landlords, or receive endorsements from the real estate industry. Thinking about how to acknowledge and address potential conflicting interests will be a large piece of the work.

Resources

- Endorsement Tracking Template
- Berkeley used <u>this form</u> to collect endorsements from public figures, nonprofits, and local organizations, whose logos were then added to the <u>campaign website</u>.



OPPORTUNITY TO PURCHASE ACT CAMPAIGN PLAYBOOK

3 Developing Your Policy

OPA policies are wonky tools that have a lot of technical nuance that can impact their effectiveness, as well as their likelihood to get passed. You will likely go through many iterations of policy design, involving tinkering with the details to ensure that the policy creates your desired results. You'll also see iterations come from negotiations with coalition members and champions who are navigating complex and ever-changing political landscapes. Because of this, it is important to center the intended beneficiaries and results in the policy design conversations to ensure the work remains focused on their priorities.

Figure Out Where You Want to Go

Policy research may start before you even know what an OPA policy is. It will likely begin when you're trying to figure out which policy strategies will address your community's concerns. Perhaps that process happens in conjunction with government partners and a public process, as happened in San Jose and Berkeley, or perhaps it comes out of a pilot project, like what happened in Minneapolis. Either way, when you're sifting through a bunch of policies and in the first phase of your research, you'll need to know what the policy is, what problems could it solve, and what does success look like? To sort out whether an OPA policy is the right move, here are helpful starting points for your research:

- What is an OPA policy, what problem does it solve and will it solve a problem residents in your community are facing? You can find helpful summaries of OPA policies on the <u>Yes To TOPA</u> and <u>Local Housing</u> <u>Solutions</u> websites.
 - How are OPA policies implemented and what does success look like? The place with the longest standing policy and most well developed ecosystem is Washington, D.C. Nearby Montgomery County and Prince George's County, MD have adopted right of first refusal policies, which functionally work similarly to D.C.'s TOPA policy. In California, San Francisco passed a COPA policy in 2019 and has been working out the kinks in implementation over the last few years. Prince George's County may be especially instructive because it provides a glimpse into how policies can evolve over time. The county passed the policy in 2013 and refined it in 2015. It sat on the shelf until a coalition, concerned with the preservation of affordable housing along a new transit line, revived calls for policy implementation in 2018. The county housing and community development agency, under direction from the council, worked diligently to develop the infrastructure to review and process notices from sellers, establish a list of qualified buyers, and create a term sheet for their preservation fund. With limited resources, the department struggled to effectively implement the policy at scale, until the council built up their preservation fund, in part through a \$15 million infusion from American Rescue Plan (ARPA) funds.

Aside from basic information for the educational phase of your work, research that helps you understand the housing market, demographics of renters and owners, and community context is important to ensure you target your policy appropriately. Some baseline research questions that can inform your policy design process are:



- Who would be affected by an OPA policy?
 - → What are the demographics of renters?
 - → Who owns the buildings? (e.g., Corporate landlords? Property owners that have 1–3 buildings?)
 - → What are the demographics of owners?
- What does the current rental stock look like?
 - → How many units are in your jurisdiction? (ideally disaggregated by geography and price)
 - → What types of properties make up the stock? (e.g., duplexes or triplexes, 4–9 unit buildings, 10+ units, 25+ units, single-family homes, etc.?)

A note on housing data: Collecting this information can be more challenging than you'd expect, especially in jurisdictions that don't have a central repository of rental data. Work with your elected champions to get access to tax assessor or other administrative data (e.g., rent board or code enforcement data). MLS data can also be helpful and will give you an idea of what different size properties (single-family homes, multi-unit buildings, etc.) are selling for, the amount of time they are on the market, and how many all-cash deals there are, among other important information about the housing market.

Who Will Design the Policy?

Once you've decided to move into the legislative process, you'll need to think about who will be involved in drafting the policy. Some groups have decided to use a community policy design process as part of their education efforts. This strategy gives advocates and community members a chance to learn and craft policy details without the pressures and influence of elected officials, or other stakeholders, whose values may not align with theirs. It also establishes clear community priorities before the wheeling, dealing, and policy sausage-making begins.

Others have foregone developing a specific community OPA and instead developed a collaborative or codesign process with community and city partners. This approach allows for direct negotiation to begin early in the process and can help people with different points of view work to build understanding and consensus through the drafting process. Co-design processes can happen between advocates and a mayor, council member, their legislative aides, the housing and community development department, and/or the city attorney's office. Keep in mind, only one proposal can move forward.

Eventually, you'll need to go through a formal process that involves having an elected official sponsor the policy and usher it through various committees until it is put up for a vote. You should anticipate design questions and changes to come up at each stage in the formal process.



What Are the Key Components of an OPA Policy?

OPA policies require a lot of attention to detail. The main issues that will need to be addressed in policy design include:

1 Coverage:

- a Which properties will be included in an OPA policy and why? Will you include duplexes, triplexes, or fourplexes? Or only larger apartment buildings? Will single-family homes be included?
- b What property exemptions will you include and why?
- c Will you differentiate between small and corporate landlords? Local and absentee landlords? If so, what will that differentiation look like?

2 Timeline:

- a What are minimum timelines for tenants or qualified organizations to express interest, make an offer, secure financing, and close?
- How might the timeline impact sellers, tenants, or qualified organizations? Are there cost implications? Are the timelines feasible? How might they affect different buyers/sellers?
- c Have you talked to lending institutions about the timelines? Do they think the timelines are realistic? Would they create additional uncertainty or disrupt 1031 exchanges*?

3 Preserving Affordability:

- a What mechanism will you use to ensure permanent affordability (e.g., deed restriction, land lease, etc.)?
- b How will the affordability restrictions be monitored and enforced?





4 Qualified Buyers:

- a Who or what organizations will have purchase rights?
- b If tenants have a right of refusal can they assign their rights?
- c If tenants decide not to exercise their rights, can a qualified organization have rights?

5 Tenant Engagement and Support:

- a What kind of tenant engagement, notification, and support systems will be created to ensure they understand their OPA rights?
- b How will systems be designed and improved to ensure that tenants aren't faced with an untenable bureaucratic process?

6 Enforcement:

- a How will the policy increase transparency and how will it be enforced?
- b How will realtors, landlords, lenders, and other real estate professionals be educated on the policy?
- c What kinds of penalties or incentives will exist to discourage sellers or buyers from circumventing the policy?

7 Funding and Incentives:

- a How will tenants and qualified buyers that work with tenants access funding to support the purchase of properties?
- b How will organizations that support tenants through the process be funded?
- c How will the jurisdiction fund additional staffing capacity to administer or manage the new program?
- d Will there be any incentives for sellers? (e.g., tax exemption in San Francisco's policy) If so, what will that look like?
- e How will tenant engagement be funded and who will implement it?
 - * A 1031 exchange is a real estate investing tool that allows investors to swap out an investment property for another and defer capital gains or losses or capital gains tax that you otherwise would have to pay at the time of sale.

Organizer Wisdom

- Study and pull language from implemented and proposed OPA policies. Don't start from scratch. Talk to people who have worked on current and previous campaigns, as well as implementing agencies to find out what has worked, what to avoid, what needs amending, etc. Tailor all that information to your local context and conditions.
- Model users beware. Templates and model ordinances can be helpful but also can lead you astray. With so many details to attend to, models may feel like a good starting point. But because each community's housing stock and resident composition is so different, it's really important to do your research and design a policy that responds to your specific context.
- Be clear about your north star and what the coalition is willing to compromise on. Like many policy campaigns, negotiations and modifications are likely, so be strategic, yet flexible when needed. Work with your coalition and elected champions to develop your ideal version of OPA, while also identifying the kinds of compromises you are willing to make, and how far you're willing to chisel and amend. Consider the possibility of phasing-in the implementation of the policy over time so that the jurisdiction and community partners can work on building up needed staffing and resources.
- Don't recreate the wheel. Perhaps there are already existing policies in your jurisdiction that address the core issues in your community, but simply need reinforcing or better implementation.



Resources

- Key Considerations for Designing Tenant and Community Opportunity to Purchase Policies, Public Advocates
- <u>Tenant/Community Opportunity to Purchase</u>, Allin Cities
- Opportunity to Purchase Policy Options for the <u>City of Minneapolis</u>, CNHED and LISC
- Berkeley conducted tenant focus groups to collect input and feedback from residents. This <u>email</u> was used for outreach, <u>this presentation</u> was used to introduce TOPA, and participants filled out <u>this feedback survey</u> following focus groups and community workshops.



4 Crafting Your Message and Confronting Opposition

Now that OPA ordinances have been introduced in several Bay Area cities, the word has gotten out. The real estate industry is feeling threatened and is getting increasingly organized. At this point, it's going to be very hard to outspend the opposition, but you can outorganize them by building a strong base and powerful elected champions.

One of your most powerful tools is to get stories out about who is impacted and will benefit from OPA including supportive landlords — and use those stories as a centerpiece to build momentum. This section is about how to build your stories and messages and counteract oppositional messages.

Opposition can come from many groups, from realtors and landlord associations to individual homeowners. While it can be easy to get discouraged by aggressive misinformation, being prepared to shape and get ahead of the narrative, pre-scripting responses when misinformation is slung at you, and recentering on your goals will be key. Opposition will happen, so be prepared and don't let it derail you!

Crafting Positive Messages and Centering Stories

Getting in front of the narrative means crafting messaging that centers the intended positive impacts and beneficiaries, uses plain language, and galvanizes a shared interest in your solution that will help move people towards action. Displacement and the housing crisis are commonly understood and felt problems in California, but preservation and the threat of corporate landlords are not. Think about the interests and understandings of your different audiences and stakeholders when crafting your messages to make sure the way you talk about OPA aligns with their values and concerns.



Some common, positive OPA messages included in Public Advocates and Working Partnerships USA's messaging guide include:

- TOPA/COPA will stabilize communities, keep children in their school districts, and allow parents to live in the communities where they work.
- TOPA/COPA will stabilize communities through the preservation of existing sources of affordable housing.
- TOPA/COPA will empower tenants to lead on housing solutions.
- TOPA/COPA will create ownership opportunities during a time when homeownership is out of reach for the majority of residents throughout the Bay Area.
- TOPA/COPA will remove homes from the speculative market, creating new sources of permanently affordable housing.
- During a time when local jurisdictions struggle to finance and build new sources of affordable housing, TOPA/ COPA will establish a process where cities and counties can create affordable housing through acquisition and rehabilitation faster than through new construction.
- As rent increases continue to push tenants further from their jobs and out of the region altogether, TOPA/ COPA will set rents at affordable levels, which will ease displacement pressures.



Typically, housing and community development practitioners have lots of research, stats and facts to cart out but often this information falls flat because it runs into what Dr. Tiffany Manuel, a housing communications expert and CEO of The CaseMade, describes in her book Strategic CaseMaking as "The Traps." These traps include: backfires, when data and research reinforce negative stereotypes or undermine solutions; backpacks, when people focus on solutions that do not meaningfully address the root causes of an issue; and *bedtime stories*, when messages trigger antiquated ideas about both the problem and solution.



To counter these traps, Dr. Tiffany Manuel recommends starting with:

- 1 Affirming shared aspirations by first listening to the concerns and aspirations of others, and then connecting to collective aspirations for racial equity and fair housing.
- 2 Naming the urgency of the moment and highlighting the power and agency of your audience to affect change.
- 3 **Telling people what they (and all of us) will lose** if they sit on the sidelines and don't pass the policy.
- 4 Navigating dominant housing and equity narratives with positive framing. Remember, OPA goes against many strongly held American belief systems about private property, but it can also fit into narratives and shared values of wealth-building through homeownership and ladders of opportunity. Being reassuring, while painting a positive future vision will help people understand the alternative and perhaps unfamiliar paradigm.
- 5 Anchoring and validating solutions that are future-oriented rather than focusing on problems. Focusing on the deficits and disparities can reinforce stereotypes and may feel like intractable problems, whereas the positive solutions may be more motivating.

Ongoing work to test OPA messaging will help further refine the most impactful messages for you to use with your select audience. Strategic use of powerful <u>cultural strategies</u> can further refine how your messages are understood and spread.

Addressing Oppositional Messages

Remember, talking points travel. Getting in front of the narrative and effectively dealing with misinformation will be key to any campaign strategy, which also means knowing what the opposition will say so that you can anticipate it and pivot around it. We've collected some of the common opposition messages that prey upon everyday American fears so that you know what to expect and come prepared.

COMMON OPPOSITION MESSAGING 1:

"OPA represents government overreach and will remove your private property rights." Opposition will try to tap into common fears about losing freedom to do what you want with privately owned property. These fears are baked into American culture and mythology of rugged individualism and profiting from land, so they are easy targets for opposition to prey upon. Some of the messages you'll likely hear that tap into these fears include:

- "OPA is eminent domain! OPA is a taking!"
- "Don't transfer YOUR Rights!"
- "OPA=end of private property"
- "OPA Taking Our Property Away"
- "OPA=socialism"

Remember, none of these statements are true, so it is important to lead the narrative with the affirming facts about the property rights that owners retain. Partnering with Legal Aid organizations and lawyers can help to shape the narrative and counter misinformation when it begins to spread. Research by <u>East Bay Community Law Center</u>, for instance, has found that OPA is not a taking, which organizers in Berkeley and elsewhere had in their back pockets when faced with misinformation from the opposition.
COMMON OPPOSITION MESSAGING 2:

"OPA will reduce property values and your ability to pass along intergenerational wealth." Change can be very scary and the fear of loss and economic instability is another common target for the opposition. Any change to real estate systems or procedures can be seen as a threat that can inhibit property owners' ability to build and pass on wealth. Anything that might slow down the lightning speed of Bay Area real estate transactions will likely ignite this fear. Some of the messages you'll likely hear that tap into these fears include:

- "This is a nonprofit setup that limits competition"
- "OPA will reduce your property value"
- "OPA ≠ market value price"
- "OPA discourages and slows down sales for small buyers"
- "Say YES to generational wealth"

Remember, these messages are based on fear not facts. Home values in Washington, D.C., which has had a TOPA policy for decades, <u>have not declined</u> from OPA policies and people continue to sell their properties. People will say "but D.C. is different" and you can point to the similarities such as its market size and housing costs, as well as show evidence from the impact of San Francisco's COPA policy. Guardrails can be put up to allay many of these fears, but remember, the opposition messaging will emerge regardless.

COMMON OPPOSITION MESSAGING 3:

"OPA will hurt low income and BIPOC[†] homeowners most and is inequitable." If you live in the Bay Area or other progressive localities, the vast majority of residents claim to value racial equity. Don't be surprised when opposition turns out BIPOC homeowners or landlords to make statements about how the policy will hurt their ability to build or pass on wealth. Some of the slogans you may see that seize on this concern include:

- "OPA is the new redlining"
- "OPA=displacement"
- "OPA will prevent us from being able to sell to BIPOC members of our community at discounted rates or off-market"
- "OPA hurts people of color"

This is a common tactic of the real estate industry, and several immigrant and BIPOC landlord groups have been mobilized to oppose any effort to increase tenant rights and power. To get out in front of these tactics, make sure your campaign has done the base building and is centered around the concerns of the BIPOC community. Collect the data on the demographics of tenants and landlords, convene BIPOC homeowners and landlords, conduct a racial equity impact assessment, and do the work to make sure that this will not harm BIPOC communities and that your campaign is aligned with their priorities and concerns.

[†] Black, Indigeneous, and People of Color



Organizer Wisdom

- Identify people who can tell compelling stories that make the case for an OPA policy. Look for both tenants who have been pushed out after a sale, or residents who have seen their neighbors pushed out. Additionally, stories from supportive landlords may interrupt oppositional arguments that pit tenants against landlords if they share why they're supportive and speak to landlord concerns.
- Get in front of the narrative. Make sure the language you use in the campaign is simple and centers tenants. Create FAQs and share strategic information to shape the narrative. People won't understand what it is or how it works, so simple FAQs that go through general questions that are commonly brought up (like this one for landlords) can be helpful.
- Equip your elected champions with stories and facts. Stay in regular conversation with your elected champions and prepare them for their meetings with opposition where they might hear concerning misinformation.





- Opposition matters but shouldn't drive the framing. You need to be strategic about when to talk about policy specifics and what types of messaging will be effective to gain support and counter opposition. Research on effective ways to <u>counter</u> opposition messages is needed.
- You can't outspend the opposition, but you can out-organize them! Increase your base, turn out the troops, have them tell their stories, and work with your elected champions. Use media strategically to elevate tenant voices and support or pressure electeds to pass strong OPA policies. Remember, the media is free and should be used to a campaign's advantage.
- Understand your opponents and find shared values. Get to know their fears and identify the common concerns and shared values that you can use to recenter conversations when they get derailed. Distinguish between people who want to derail the conversation and those that have valid concerns that need to be addressed. Try to understand their fears and find ways to address them that are non-judgemental and recenter the discussion on shared values.

- Learn to pivot around the opposition's misinformation and recenter conversations around shared goals. The art of the pivot will be a key tool for you to use when people try to derail the conversation. As Dr. Tiffany Manuel says "if you don't move them out of the way, they will eat you for breakfast!" The misinformation will likely be some version of the opposition messages above anticipate them and pivot around them. Find something you can agree with, relabel it in a positive way and then pivot back to your message. And remember, never repeat the misinformation, even to say it isn't true, as that is what will stick in people's heads!
- Engaging BIPOC communities early in the process. Opposition will make arguments designed to cleve alliances and coalitions, particularly using language that claims OPA deepens inequities and hampers BIPOC landlords' ability to make a fair return on their investment.

Resources

- Messaging Guide for Tenant and Community Opportunity to Purchase
 Policies, Public Advocates
- TOPA opposition talking points and responses
- Butterfly Lab Narrative Toolkit, Race Forward
- The Affirm, Counter, and Transform (ACT) communication technique
- <u>Shift the Bay</u> housing and racial justice narrative resources, particularly the Shift the Narrative Playbook.
- Los Angeles' Social Media Plan; Berkeley's Social Media Plan



Tools & Resources

PARTNERSHIP FOR THE BAY'S FUTURE

Cheat Sheet

The OPA Campaign Launch Cheat Sheet

1 Base Building

- Phases: 1) Education 2) Community Policy Design 3) Mobilization
- Start with tenants, residents, and coalition partners that are energized to move a campaign forward
- Identify natural alliances and coalitions
- Storytelling is a critical component of base building and confronting opposition within the campaign
- Your materials and resources should build energy and momentum
- Segment and strategize how you will reach different constituent groups
- Early engagement with undecided members of the community is critical

2 Working with Elected Officials

- Elected officials help to 1) assess if the political moment is right 2) gauge and communicate political dynamics 3) use their platform to advance the work
- Make power mapping your best friend
- Assess your political window
- Identify elected officials or legislators to champion the work
- Establish relationships with insiders to help gauge and communicate political dynamics
- Give supportive council members the resources they need to withstand opposition inside and outside of city hall
- Thinking about how to acknowledge and address potential conflicting interests

3 Developing Your Policy

- Research Questions: What is an OPA policy, what problem does it solve, and will it solve a problem residents in your community are facing? How are OPA policies implemented and what does success look like?
- Policy Design Questions: What type of units will the policy cover? What are minimum timelines for tenants or qualified organizations to express interest, make an offer, secure financing, and close? How will the OPA policy preserve affordability for the long haul? Who will be designated as qualified buyers? What sort of support will tenants be offered? How will the policy be enforced? What funding and incentives will be set aside?

4 Crafting Your Message & Confronting Opposition

- Focus on developing messaging strategies that affirm shared aspirations, tell people what they (and all of us) will lose if they sit on the sidelines, navigate dominant housing and equity narratives with positive framing, anchor and validate solutions that are future oriented rather than focusing on problems
- Opposition matters but shouldn't drive the framing
- You can't outspend the opposition, but you can out-organize them!

Campaign Plan

The campaign plan is an internal document for organizers. It provides a synthesis and overview of your whole campaign and can be used to help build presentations and marketing materials, coordinate schedules, act as a clearinghouse for information about endorsements and timelines, and provide an accountability and evaluation tool to help you assess and reflect on your work.

Building a campaign plan should be a group exercise that happens after you have agreement from tenant groups that they want to move forward with an OPA policy campaign. The goal of the first draft is to help align the organizers' visions, work out conflicts within your group, and bring together all of your information. Campaign plans are living documents designed to be updated as your work moves forward.

Key Questions Your Campaign Plan Should Answer:

- What is your problem statement?
- What is the aim of your campaign?
- Why now?
- What are the core objectives of your group's OPA policy?
- Who are your targets?

(Use a power mapping exercise to figure this out)

- Who are your allies?
- Who is your opposition?
- Who are the elected officials you are trying to move and who will move them? Note whether they support, oppose, or are neutral and whether they are up for reelection. Use the information in Appendix C to help you make assessments of elected officials.
- What are your key campaign activities?
 - Policy and Research: researching and learning about other models, refining your policy
 - Advocacy: seeking endorsements, meeting with council members, meeting with tenants and coalition members
 - Culture and Message: writing op-eds, conducting social media campaigns, developing a cultural strategy
- What is your culture and messaging strategy?
 - Who are your audiences?
 - What are messages that will resonate with different audiences?
 - What are ways to reach your audiences?
 - What are oppositional messages you'll confront and how will you respond?
 - See <u>Cultural Strategy: An Introduction and Primer</u> by Art/Work Practice and <u>Making Waves: A Guide to Cultural Strategy</u> by The Center for Cultural Power
- What is your jurisdiction's timeline and process for adopting new policy?
- What are the roles and responsibilities of your team members?
- What is your legislative campaign timeline?

PHASE 1:

PHASE 2:

Submitting Legislation to City Policy Committee Advocacy & Campaign Startup PHASE 3:

Responding to Community & City Concerns & Campaign Startup

Council Vote & Public Support

ACTIVITIES

PHASE 1:	PHASE 2:	PHASE 3:	PHASE 4:
Ongoing base building and education	Ongoing base building and education	Ongoing base building and education	Ongoing base building and education
Finalize Ordinance	Attend Policy Committee Meetings	Develop Messaging	Organize Public Comment in Support of OPA
			Prepare Talking Points
Introduce to Council	Secure Endorsements	Produce 1-Pager	Create prop for City Council Meetings
Draft Op-Ed	Lobby CMs & HAC	Secure Council Votes	Meet with CMs to reaffirm commitment to OPA
		Letter Writing Campaign	Prepare & Present OPA to Council
		Meet with groups identified by power map activity	Deliver Endorsements to Council
		Respond to concerns/ changes proposed by Policy Committee and/or Legal	Consistent Presence at City Council Meetings
		Build out Coalition	Coordinate Media
		Build OPA Website	

OUTCOMES

PHASE 1:	PHASE 2:	PHASE 3:	PHASE 4:
Submit strongest version of ordinance to Policy Committee	Finalize Marketing Materials & Messaging	Create & Administer Coalition	TOPA Passes!
Convene Campaign Team	Create OPA Presentation	Attain #X Votes Necessary for Passage	Strong Media Presence
Publish Op-Ed	Meet with all CMs & HAC	Maintain Core Provisions of Ordinance	Visible Support for OPA in Council Meeting
	Secure 10 Endorsements	Develop core messaging for campaign including marketing	
		Updated Website	

Appendix c: Assessment of Targets

- Leaning Yes Electeds: Electeds leaning yes have either verbally expressed support for an OPA policy or have a track record of supporting progressive policy. These individuals most likely have general legal concerns or want to make sure their base is supportive of the policy.
 - → The campaign must secure "yes" votes from these individuals and address any concerns before the court of public opinion.
- Neutral Electeds or Cautious but Curious: We have little information on the electeds' position, and their track record indicates they may have reservations about the policy. Additionally, their base may not benefit from such a policy or be negatively impacted.
 - → Campaign team needs to secure at least one "yes" vote from this category. It will be extremely important to prepare for this lobbying effort and commit to maintaining open lines of communication all the way up to the council vote.
- Opposed or Resistant Electeds: Electeds have a clear record of opposing progressive policy related to housing. Additionally, the electeds' base consists primarily of organizations and individuals that would oppose an OPA policy.
 - → The campaign team should not spend a lot of resources lobbying electeds in this category. However, maintaining communication and a cordial relationship is still important.

- Aligned Community Organizations: Organizations/ groups have clear alignment with OPA goals—they may also have indicated support for the policy verbally or through statements.
 - → These organizations should comprise the base of the campaign, and you will need to ensure that affected tenants and BIPOC residents are at the heart of the decision-making and organizing. There will still be a need for education/feedback/support with regards to specific policy decisions that the coalition and city may differ on.
- **Neutral Community Organizations:** It is unclear where organizations lean in regards to OPA.
 - → These organizations should be a target for the campaign team to approach, educate and seek endorsements from.
- Opposed Community Organizations: These organizations have demonstrated opposition to an OPA policy or their interests will conflict with the proposed policy.
 - → These organizations should be monitored for activity and the spread of misinformation.

APPENDIX D: Templates and Resources Links

Basebuilding and Education Resources

Power Mapping:

Step-by-Step Guide



https://miro.com/app/ board/o9J_IAFgtx0=/



https://www. reckoningwithrace.co/ curriculum/analyzingand-leverage-power/

Video Samples:

Moms 4 Housing TOPA 101



https://www.youtube. com/watch?v=8vxgM snJcYq

SOMOS Mayfair's COPA Housing Stories

https://www.youtube.com/ channel/UCbe6yc6MuOuC oM2hTacVEfQ

TOPA4LA video by LA CLT Coalition



https://www.youtube. comwatch?v=RoXppH Em8dc&ab_channel=L **ACLTCoalition**

Berkeley residents say Yes2TOPA



https://www.youtube.com/ watch?v=RoXppHEm8dc& ab_channel=LACLTCoalition

TOPA: A National Movement



https://www.youtube.com/ watch?v=eOVCQkTbxAU

Websites & Education Materials:

Somos Mayfair's COPA website



https://www.somosmayfair. org/copa



https://yes2topa.org/

Berkeley's Yes to Topa website

Presentations:

Intro to OPA Presentations: Samples from Berkeley and East Palo Alto



https://docs.google.com/ presentation/d/12StRrhe7q EoO5cTN5Tupong2dMmu7 b3C/



https://docs.google.com/ presentation/d/1HGP3yAZFn ktsrXpOfvPasgTHRIpMxaFdI 2e2SK_j56w/

TOPA Tuesdays: 45 min online presentations presented by the LA CLT Coalition



https://www.topa4la.org/ events/topa-tuesday-whatis-topa-ep-1

TOPA Community Meeting in Berkeley



https://www.youtube.com/ watch?v=i_TG0-USqf8

East Palo Alto City Council presentations and recordings



https://www.cityofepa.org/ housing/page/east-paloalto-opportunity-purchaseact-epa-opa-0

Working with Elected Officials Resources

Endorsement Tracking Template



https://docs.google.com/ spreadsheets/d/1-bPBIFm bUwqztZ9z4hKF6o0uWz_ zE351/edit#gid=858089738

Berkeley Endorsement Collection Form



https://docs.google.com/forms/ d/e/1FAIpQLSdLrnTuaeEEUNBI yyNHMDLIuEtOqPmOi9pJjSCp jw_ZNVpVQw/viewform Berkeley used <u>this form</u> to collect endorsements from public figures, nonprofits, and local organizations, whose logos were then added to the <u>campaign website:</u>

Berkeley Campaign Website



https://yes2topa.org/ endorsers

Developing Your Policy Resources

Key Considerations for Designing Tenant and Community Opportunity to Purchase Policies, Public Advocates



https://www.publicadvocates. org/wp-content/ uploads/2022/04/keyconsiderations-for-designingtopa-copa-policies.pdf

Opportunity to Purchase Policy Options for the City of Minneapolis, CNHED and LISC



https://cnhed.org/wp-content/ uploads/2021/01/Opportunityto-Purchase-Policy-Options-forthe-City-of-Minneapolis.pdf Tenant/Community Opportunity to Purchase, All-in Cities



https://allincities.org/ toolkit/tenant-communityopportunity-to-purchase Berkeley conducted tenant focus groups to collect input and feedback from residents. This email was used for outreach, this presentation was used to introduce TOPA, and participants filled out this feedback survey following focus groups and community workshops.

Berkeley Email



https://docs.google.com/docu ment/d/17jy4m_aJcCW8Sezg w_x2WMbh7YI8K3pc1PkN5Pz IOJ4/edit?usp=sharing

Berkeley Presentation



https://docs.google.com/prese ntation/d/12StRrhe7qEoO5cTN 5Tupong2dMmu7b3C/edit?usp =sharing&ouid=1166539803094 85336829&rtpof=true&sd=true

Berkeley Feedback Survey



https://docs.google.com/forms /d/e/1FAIpQLSef5SsLEwu1eGN ybSvajfnRdADxYU6mLe1QdSx UliUIpFbKww/viewform?fbzx=-5390820830438504610

Crafting your Message and Confronting Opposition Resources

Messaging Guide for Tenant and Community Opportunity to Purchase Policies, Public Advocates



https://www.publicadvocates. org/wp-content/ uploads/2022/04/messagingguide-for-topa-copa.pdf TOPA opposition talking points and responses



https://docs.google.com/docu ment/d/1UPoS1uO1QeaFDWY3 tUkLF_3dnEbFHXKL/edit?usp= sharing&ouid=1166539803094 85336829&rtpof=true&sd=true

Butterfly Lab Narrative Toolkit, Race Forward



https://www.raceforward.org/ practice/tools/butterfly-labnarrative-design-toolkit

The Affirm, Counter, and Transform (ACT) communication technique



https://results.org/wp-content/ uploads/Affirm-Counter-Transform-Approach-with-Examples-and-Exercises.pdf

Shift the Bay housing and racial justice narrative resources,



https://shiftthebay.org/

particularly the Shift the Narrative Playbook.



https://shiftthebay.org/resources/ shift-the-narrative-playbook/

Los Angeles' Social Media Plan; Berkeley's Social Media Plan



https://drive.google.com/drive/ folders/12bnNm5K_VfpOBEhzM eN6g1813mluyt3x?usp=sharing



https://docs.google.com/ document/d/1XsAQtXiDtcNkqY DmhRdB5J54fcg__8PSEo8S8_ iNlqk/edit?usp=sharing

Credits

The Opportunity to Purchase Act Playbook is provided by the Partnership for the Bay's Future and the California Community Land Trust Network. This work is made possible thanks to the work of organizers across California. In particular, we thank The Northern California Land Trust, East Bay Community Law Center, Beverly-Vermont Community Land Trust and SOMOS Mayfair.

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